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International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa

Report of the Secretary-General

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 2	3
II.	ACTION TAKEN IN RESPONSE TO THE APPEAL FOR ASSISTANCE TO REFUGEES, RETURNEES AND DISPLACED PERSONS		3
	A. Replies received from Member States		3
	Belgium		3
	Canada		3
	China		5
	Ecuador		5
	Ghana		5
	India		5

* A/46/150.

CONTENTS (continued)

		Paragraphs	Page
	Netherlands		6
	New Zealand		6
	Sweden		6
	United Kingdom of Great Britain and Northern Ireland		7
B.	Action taken by the United Nations system	1 - 61	8
	United Nations Secretariat	1 - 4	8
	United Nations Children's Fund	5 - 13	8
	United Nations Development Programme	14 - 18	10
	Office of the United Nations Disaster Relief Coordinator	19 - 23	11
	Office of the United Nations High Commissioner for Refugees	24 - 28	12
	World Food Programme	29 - 31	13
	Food and Agriculture Organization of the United Nations	32 - 41	13
	United Nations Educational, Scientific and Cultural Organization	42	15
	International Fund for Agricultural Development	43 - 60	15
	United Nations Industrial Development Organization	61	19
C.	Action taken by other intergovernmental organizations	62 - 69	19
	European Community	62 - 69	19

I. INTRODUCTION

1. In its resolution 45/137 of 14 December 1990, the General Assembly took note of the report of the Secretary-General on the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa, held at Oslo from 22 to 24 October 1988 (A/45/480), and reaffirmed the need to continue the implementation of the Oslo Declaration and Plan of Action on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa adopted by the Conference (see A/43/717 and Corr.1 and Add.1). In that resolution, the General Assembly, inter alia, (a) called upon the international community to provide increased assistance to the countries of southern Africa to enable them to strengthen their capacity to provide the necessary facilities and services for the care and well-being of the refugees, returnees and displaced persons; and (b) urged all Member States, organizations of the United Nations system and governmental and non-governmental organizations to undertake the measures required of them under the Oslo Declaration and Plan of Action.

2. The General Assembly also decided to consider the question at its forty-sixth session on the basis of a report to be submitted by the Secretary-General. The present report has been prepared in response to that decision.

II. ACTION TAKEN IN RESPONSE TO THE APPEAL FOR ASSISTANCE TO REFUGEES, RETURNEES AND DISPLACED PERSONS

A. Replies received from Member States

Belgium

The Government of Belgium is supporting two projects in southern Africa:

(a) Assistance is being provided for the resettlement of returnees in the Chtima valleys in the Tete province of Mozambique. The project is being implemented by the Development Cooperation Fund; the contribution of the General Administration for Development Cooperation is estimated at 6,791,400 Belgian francs, of which 3,440,000 were spent in 1989;

(b) Assistance is also being provided for the rehabilitation of returnees in the Espungabera area, again the form of a Development Cooperation Fund project. The participation of the General Administration for Development Cooperation amounts to 8,370,000 Belgian francs, of which 3,710,000 were expended in 1990.

Canada

1. Canada pledged and provided substantial assistance for refugees, internally displaced persons and returnees in the southern African region between April 1990 and March 1991, through a variety of multilateral,

bilateral and non-governmental channels. As one of the largest contributors to the core resources of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP), Canada provided considerable non-earmarked support through those agencies. Following is a summary of $Can 14,740,422 in earmarked grants:

Country	Beneficiary	Channel a/	Amount ($Can)
Angola	Internally displaced	CARE Canada	217 815
		ICRC	500 000
		UNICEF	750 000
		WFP	1 300 000
		World Relief	417 470
	Total		3 185 485
Malawi	Mozambique refugees	LRCS	470 000
		Save the Children	100 000
		UNHCR	2 500 000
		UNICEF	100 000
		WCC	200 000
		WFP	3 300 000
		World Vision	150 000
	Total		6 820 000
Mozambique	Internally displaced	COCAMO	194 937
		UNDRO	135 000
		UNICEF	750 000
		WCC	295 000
		World Vision	2 000 000
	Total		3 374 937
Regional	South Africa refugees	WCC	400 000
South Africa	Mozambique refugees	ICRC	180 000
		WCC	180 000
	Natal displaced	ICRC	100 000
		WCC	100 000
	Returnees	NCCR	200 000
	Total		760 000
Zimbabwe	Mozambique refugees	World Vision	200 000

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a/ COCAMO Cooperation Canada Mozambique
ICRC International Committee of the Red Cross
LRCS League of Red Cross and Red Crescent Societies
NCCR National Coordinating Committee for Repatriation
WCC World Council of Churches/Canadian Council of Churches

2. Canada pledged during this period $Can 5,850,000 for the repatriation of South African refugees and the resettlement of returned refugees as well as political prisoners, but the great bulk of disbursements had to be postponed to fiscal year 1991/92 owing to political conditions.

China

1. In 1988, the Government of China contributed material assistance to Mozambique, worth RMB 800,000.

2. In 1990, the Government of China contributed 60 sets of sewing machines to Zimbabwe worth RMB 78,000.

3. The Government of China will contribute 6,000 suits of children's clothes to Namibia in 1991.

Ecuador

Ecuador, as a result of serious economic problems, has not been in a position to provide material or economic assistance to the independent States of southern Africa that are facing a critical situation as a result of the acts of aggression and destabilization committed by the Pretoria regime. Ecuador wishes to reiterate, however, that it has maintained an unshakeable and firm position of rejection of all forms of racial discrimination, and especially of the abominable system of apartheid, one of the unfortunate consequences of which is, precisely, that South African citizens who are struggling to establish a majority government, based on democratic principles, are subjected to the voluntary or forced abandonment of their country.

Ghana

The Government of Ghana has been giving material and other assistance through the Organization of African Unity (OAU) Liberation Fund, the OAU Emergency Disaster Relief Fund, the Africa Fund, and also on a bilateral basis to the countries of southern Africa in particular, and other deserving African countries in general, in order to mitigate the plight of refugees, returnees, displaced persons as well as to counter the effects of the destabilization policies of the apartheid regime of South Africa.

India

1. The assistance that India has been able to give to the countries of southern Africa to enable them to strengthen their capacity to provide the necessary facilities and services for the care of refugees, returnees and displaced persons in their countries is as follows:

(a) Aid given to the African National Congress of South Africa (ANC) for the rehabilitation of returnees: India presented a cheque for $US 5 million to Mr. Nelson Mandela, President of ANC during his visit to India, for the purpose of the rehabilitation of ANC members in exile;

(b) Aid package for Namibia: India has announced a total aid package of Rs. 200 million to be used for a variety of developmental projects;

(c) Assistance given under the Africa Fund: consumer durable valued at Rs 14.5 million, including beds, clothing material, tents, typewriters, mattresses, shoes, sleeping bags, stationery, kitchenware, sports goods, medicines, trucks and bicycles, were sent to ANC at Dar-es-Salaam in 1988.

2. Emergency supplies of consumer articles including bed linen, blankets, toiletries worth Rs 258,000 were sent to ANC at Dar-es-Salaam in February 1991.

3. The Government of India has undertaken a further project to assist ANC at Dar-es-Salaam and in Uganda through the supply of essential items like food, clothing, medicines, stationery, office equipment and vehicles, valued at Rs 20 million.

Netherlands

1. The Netherlands made available in 1990 an amount of approximately f.13 million to various emergency aid projects for the benefit of refugees and displaced persons in southern Africa.

2. In 1990, the Netherlands contributed f.450,000 to the United Nations Trust Fund for Southern Africa and made available f.550,000 through the intermediary of non-governmental organizations for the benefit of refugees and displaced persons coming from southern Africa.

New Zealand

New Zealand has contributed to the United Nations Trust Fund for South Africa, the United Nations Fund for Namibia and the United Nations Trust Fund for the Educational and Training Programme for Southern Africans a total of $NZ 80,000. New Zealand has also contributed an amount of $NZ 85,000 to the "Skills for South Africa Programme".

Sweden

1. The Government of Sweden states that the fact that approximately half of Sweden's development assistance currently goes to sub-Saharan Africa is a clear reflection of the priority the Government of Sweden attaches to that region.

2. For the fiscal year 1990/91, an amount of around SKr 440 million (approximately $US 70 million) was allocated for refugees, returnees and displaced persons in southern Africa, out of which:

(a) Around SKr 185 million was emergency assistance to Mozambique, directly as well as through the United Nations system (Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), World Food Programme (WFP)) and through non-governmental organizations;

(b) Around SKr 55 million was emergency assistance to Angola, which has been channelled directly to the Government of Angola, as well as through the United Nations system (UNICEF, WFP, International Labour Organisation (ILO)) and through non-governmental organizations;

(c) Around SKr 200 million was given to refugees, displaced persons and returnees in southern African countries other than those mentioned above. This assistance has been channelled through the Governments concerned, ANC, non-governmental organizations, for example, churches and scholarship programmes, and the United Nations system, including its Trust Fund for South Africa.

United Kingdom of Great Britain and Northern Ireland

1. The United Kingdom continues to respond promptly and generously to the consequences of the continuing emergencies in the region. In 1989 the United Kingdom provided £9,406,000 to assist refugees, returnees and displaced persons in southern Africa. That included £3,253,000 to UNHCR for its work with refugees in Malawi, £710,000 to the International Committee of the Red Cross (ICRC) for its work in Angola, food aid valued at £2,930,000 for Mozambique and £2,493,000 to voluntary agencies in Mozambique, Malawi, Zimbabwe, South Africa, Swaziland and the United Republic of Tanzania.

2. In 1990 the United Kingdom provided £8,549,000: £4 million to UNHCR for refugees in Malawi, £2,355,000 to voluntary agencies in Mozambique, food aid valued at £1,700,000 to Mozambique, and £100,000 to ICRC for its work in Angola and Mozambique.

3. So far in 1991, the United Kingdom has provided assistance of £6,169,000: £3 million to UNHCR for refugees in Malawi, £1,356,000 to voluntary agencies in Mozambique, and food aid valued at £1,400,000 to Mozambique.

4. The United Kingdom also committed almost £2 million per annum to projects under the auspices of the Second International Conference on Assistance to Refugees in Africa, including several in southern African countries, and will continue at that rate in 1991. Also in 1989, the United Kingdom responded to appeals by UNHCR and WFP for returning refugees in Namibia with contributions

of £500,000 and £650,000, respectively. From 1989 to date, United Kingdom contributions towards humanitarian assistance in the countries that were the subject of the Oslo Conference totals some £24,124,000.

B. Action taken by the United Nations system

United Nations Secretariat

1. In addition to the activities of general coordination, the Secretariat takes action in those situations involving large numbers of displaced persons that require the Secretary-General to coordinate the work of a number of agencies, or which have a dimension requiring a political approach.

2. The Secretariat continues to maintain an inter-agency African Emergency Task Force, which monitors and assesses the situation in countries where emergencies have led to the creation of large numbers of displaced persons and/or refugees. The Task Force facilitates coordination of the implementation of programmes.

3. During the period under review, an inter-agency needs assessment mission was dispatched to Angola to review the emergency situation, which continued to generate large numbers of displaced persons. The mission produced a detailed report, reviewing the emergency needs sector by sector, which formed the basis for an appeal to donors by the Secretary-General for a Special Relief Programme for Angola designed to provide humanitarian assistance to Angolans on both sides of the civil conflict.

4. The Secretariat also assisted the Government of Mozambique with the preparation of an appeal document which was placed before a World Bank consultative group meeting.

United Nations Children's Fund

5. The responsibility of UNICEF to assist children and mothers in all difficult situations is at the core of its mandate. The Fund's country response depends on the specific situation it addresses and the overall framework of its regular programme. Assistance ranges from activities aimed at establishing critical household food security levels to the provision of vaccines, supplementary feeding and basic drugs to save the lives of children and mothers caught in many types of life-threatening situations. At the present time, however, the circumstances that trigger the Fund's emergency response are still defined as "situation of hardship and human suffering arising from events which cause physical loss or damage, social or economic disruption, or both with which the country or community concerned is unable to cope alone".

6. It is within the above context that UNICEF continues to coordinate closely with the assisted Governments, UNHCR and the other concerned United Nations agencies and non-governmental organizations in planning and implementing its humanitarian programmes for refugees, returnees and the displaced population, which is accorded special attention.

7. Assistance to the above-mentioned groups is provided through acceleration of the regular country programme, appeals or release of funds from the UNICEF Emergency Reserve Fund.

8. In Angola, the Special Relief Programme set up in October 1990 continued until mid-1991 with UNICEF providing assistance for health and nutrition services for the improvement of water resources and supplies as well as providing relief and agricultural inputs both to internally displaced, war and drought affected areas. The programme is now being reorganized into an Accelerated Relief and Rehabilitation Programme for the whole of Angola in which UNICEF will be playing a part in the evolution of the post-war recovery period.

9. In March 1991, torrential rains in the Mulanje area of Malawi resulted in massive flooding, which devastated the entire town of Palombe and the surrounding villages. Over 20,000 persons were left homeless and 500 others died. At the request of the Government and in close collaboration with UNDP, UNICEF immediately responded to the situation through the provision of shelter material, water containers, operating room supplies, basic drugs and logistical support. Assistance was also extended to the affected refugee population in the disaster area.

10. UNICEF assistance continues to be provided to some 950,000 Mozambican refugees (almost 11 per cent of the total population) in Malawi. In agreement with UNHCR, UNICEF emergency support to refugee children and mothers is complementary to both UNICEF's regular programme activities as well as those of UNHCR. These interventions, which include health (especially the expanded programme of immunization), water and sanitation and programme support, are implemented in 1991 within the overall context of a UNICEF appeal of $925,000.

11. The emphasis of UNICEF emergency programmes in Mozambique has been on the provision of seeds and tools for internally displaced peoples and returnees as well as strengthening its support of government services encompassing the rehabilitation of schools, health posts and water supplies. A special focus of the Mozambique programme is the care of children in difficult circumstances as well as providing institutional support to the Department for the Prevention of Natural Disaster.

12. In Namibia UNICEF has helped to alleviate a drought during 1990, which had caused severe food shortages and exacerbated the already chronic water shortages in many of the urban and rural areas. UNICEF continued to provide technical and material support to the National Drought Committee, and with WFP provided supplementary food to children assisted in a joint Council of Churches of Namibia project. Assistance to returnees and former exiles had

broadened into support also to the communities hosting them. This includes provision of primary health care supplies and agricultural inputs as well as consolidating the development of immunization into underserved areas.

13. In Zimbabwe, over 88,200 Mozambican refugees (the majority of whom are children and women) have been assisted by UNICEF to help them avert the health problems faced. Drugs, health equipment and supplies were provided. In addition, educational materials for primary education, literacy programmes and women's training activities were also brought in.

United Nations Development Programme

14. UNDP, mandated to strengthen the capacity of Governments to promote, manage and monitor programmes related to refugees, returnees and displaced persons, continued to participate in the formulation of development programmes related to displaced persons. As recommended by the Oslo Declaration and Plan of Action, UNDP resident representatives continue to serve as focal points within the United Nations system in the identification, formulation and implementation of rehabilitation, recovery and development programmes in the southern African countries of Angola, Malawi, Mozambique, the United Republic of Tanzania and Zambia. UNDP has also been providing assistance to national liberation movements since 1976.

15. In the past year, several programmes and projects related to displaced persons (internal and external) have been approved and implemented. For example, in Angola, projects for agricultural extension and strengthening of production and marketing associations are being implemented. In Botswana, under a tripartite (UNDP/UNHCR/Government) agreement, some 50 low-cost community housing units are to be constructed. In Lesotho, the construction of two health centres is being completed. In Malawi, health, forestry, fuelwood supply and water projects have been implemented. The first phase of the health and the water projects have been funded by the Government of the United States. While UNDP from its Special Programme Resources funded the fuelwood supply project, the second phase of the health project is being funded by the Government of Greece through its "special contribution" of $100,000 for assistance to refugees, returnees and displaced persons in southern Africa allocated in response to General Assembly resolution 43/116 of 8 December 1988. In Swaziland, the construction of a high school co-financed by EEC and implemented by the Lutheran World Federation (LWF) is completed at the Ndzevane Settlement. In the United Republic of Tanzania, health, road and cooperative development projects are in the process of being implemented. In Zambia, UNDP is currently implementing projects in:

(a) Aquaculture extension services in the North-Western Province;

(b) Training of community health workers and traditional birth attendants in Eastern Province;

(c) Extension of a project for marketing of honey and beeswax;

(d) Cattle disease control in Eastern Province. In collaboration with Africare, a non-governmental organization involved in the implementation of projects in Malawi and Zambia.

16. The country programmes in Angola and Mozambique recognize the dual focus of emergencies on one hand, and rehabilitation and development on the other. In view of that focus, major rehabilitation and reconstruction programmes are under way.

17. The resident coordinators play a coordinating role for assistance geared towards internally displaced persons, in close cooperation with Governments, local representatives of donors, the United Nations agencies and non-governmental organizations in the field. UNDP collaborates with UNHCR in programme and project identification, formulation and implementation. During the past year, the two organizations have drawn up a joint work programme related to resource mobilization, identification of regions for particular cooperation, integrated training approaches and development of a database.

18. Moreover, recognizing the complexity of the task of bridging the gap between relief assistance and development, the Governing Council during its June 1990 session authorized the Administrator to spend up to $500,000 from special programme resources for on-the-spot assessment of emergencies relating to displaced persons and refugees.

Office of the United Nations Disaster Relief Coordinator

19. At the Luanda Conference on Assistance to Angola held in September 1989, UNDRO was requested to establish a computerized information system for contribution data. UNDRO, in response to that request, dispatched a computer expert to the Government of Angola's Technical Unit for Emergency Assistance. The project was completed at the end of November 1990. As a result, the Unit has established a reporting system to tally and monitor the pledges against the requirements enumerated in the appeal. The total project cost of $US 58,295 was financed by the Governments of Sweden and the United Kingdom.

20. The presence of UNDRO in Mozambique has been continuous since the first international appeal for emergency assistance to Mozambique was launched in February 1987. UNDRO activities concentrated in the two areas:
(a) strengthening local relief coordination by supporting the office of the United Nations Special Coordinator for Emergency Relief Operations; and
(b) carrying out operations in the relief and survival sector.

21. For relief coordination, an UNDRO delegate participated in inter-agency assessment missions and UNDRO produced and distributed a monthly report on requirements/contributions/unmet needs. For the appeal year 1990-1991 (May 1990-April 1991), UNDRO calculated that cash and in-kind contributions for the Mozambique emergency totalled $US 134 million against the requirements

for the appeal year of $136 million. In addition, UNDRO managed an aeroplane put at the disposal of officials involved with the emergency permitting them to reach areas otherwise inaccessible.

22. Operationally, UNDRO used its stockpile stored in the UNDRO warehouse at Maputo for distribution to recently identified displaced persons in need of urgent assistance. For the appeal year, $1.6 million have been made available for the procurement and distribution of relief supplies. Distribution operations are now under way. For similar operations in the appeal year 1989-1990, approximately 260,000 displaced people benefited from UNDRO assistance. In addition to the assistance given to displaced persons, UNDRO has been giving training to Mozambican warehouse personnel of the Department for the Prevention and Combat of Natural Calamities, with whom UNDRO manages its stockpile. UNDRO is completing a documentary film showing the emergency seen from the perspective of a Mozambican warehouse worker. It is hoped that the documentary will give a deeper insight into the issues associated with the emergency and the development of the country.

23. UNDRO activities were made possible by cash contributions amounting to $2 million from the Governments of Canada, Ireland, Italy, Sweden and Switzerland, and from the European Community.

Office of the United Nations High Commissioner for Refugees

24. During the period 1990-1991, the continuing interest of UNHCR in and follow-up of the results of the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa was reflected in the Office's normal activities and programming in the countries concerned.

25. The emergency preparedness profiles for Botswana, Lesotho, Swaziland and Zimbabwe were kept up to date and that for Mozambique completed. In continuation of its training programmes for relief assistance officials, a further multisectoral emergency management training seminar was held at Madison, Wisconsin, United States of America, in the last quarter of 1990. The seminar was attended by officials from non-governmental organizations and Governments and by UNHCR staff members. In addition to the activities of the Tripartite Voluntary Repatriation Commission (UNHCR, Mozambique and Malawi) various discussions were held with Governments and non-governmental organizations with a view to laying the groundwork for a systematic and orderly repatriation of the large numbers of Mozambican refugees in the neighbouring countries, whenever the conditions permit.

26. With regard to needs assessment and delivery of assistance, the Office made every effort, in spite of severe financial constraints, to ensure that at least minimal life-sustaining needs of refugees and returnees in the southern African region were met through careful prioritization of budgets. The programmes were assessed together with implementing partners and the concerned Governments. According to the Government of Mozambique, by the end of 1990 a total of 243,000 Mozambicans had returned to their country of origin. A new

appeal for Mozambican refugees and returnees in the region for the period from January to December 1991 was launched, for a total of $35.8 million.

27. In Malawi, UNHCR continued to cooperate with the Government, UNDP and the World Bank in determining the additional financial burden placed on the economy as a result of the refugee presence in the country. That assessment formed part of the agenda at the 1990 Paris Club meetings on Malawi. A more detailed account of the situation in Malawi is contained in a separate report prepared by UNHCR pursuant to General Assembly resolution 45/159 (A/46/433).

28. In addition to the above-listed activities, UNHCR participated in various meetings of the Conference Steering Committee held in New York. Further, in meetings with OAU, topics related to the Oslo Conference have formed part of the agenda. As mentioned above, the Office continued to follow-up on these issues, through its normal protection and programming activities and in discussions with concerned organizations.

World Food Programme

29. WFP continued to play a key role in the purchase and shipment of food commodities for distribution to internally displaced persons in Mozambique and refugees in neighbouring countries. More than 1 million refugees in Malawi, Swaziland, the United Republic of Tanzania, Zambia and Zimbabwe, approximately 300,000 displaced persons in Mozambique and 43,000 returnees in Namibia received food assistance from WFP. The Programme has used its own resources, but also acted on behalf of bilateral donors to purchase and transport food.

30. An important element in WFP assistance has been the use of cash resources for the purchase of food commodities in the region, in that way not only providing badly needed foreign exchange but also promoting local production. The triangular transactions under which WFP buys food in one developing country for distribution in another country amounted to 190,000 tons at a total value of $34,000,000.

31. In addition, WFP resources have been committed in support of agricultural development, improvement of food security, self-help urban development, improvement of infrastructure and the development of human resources. WFP also provided non-food inputs to meet logistics requirements and played a lead coordinating role in the mobilization and distribution of food aid and logistics inputs.

Food and Agriculture Organization of the United Nations

32. The FAO Global Information and Early Warning System (GIEWS) intensified the monitoring of the plight of refugees and returnees in southern Africa and in its regular reports and special alerts communicated to the international community the serious food supply problems for nations hosting refugees. Special attention is given to Mozambican refugees in Malawi where the number

of refugees is increasing and for 1991 is estimated to average more than 900,000 people, putting a severe burden on the host country and the donor community alike. That burden is further compounded by dwindling cereal surpluses in the subregion, notably in Zimbabwe, which up to now has been the main source of food supply for the refugee populations. The necessity for the donor community to secure deliveries of cereal food aid from outside the subregion has been highlighted in the Special Report on the Food Supply Situation and Crop Prospects in Sub-Saharan Africa, as well as in a recent special alert on the food supply prospects in southern Africa.

33. In Angola, FAO is providing assistance through the execution of a project entitled "Emergency Assistance for Agricultural Rehabilitation". The project benefits refugees, returnees or displaced persons, even if it is not specifically oriented to their exclusive assistance. It provides inputs and equipment for the development of basic crops and for the rehabilitation of areas most affected by the civil war.

34. Another project, "Provision of Agricultural Inputs for Horticulture and Fruit Garden Rehabilitation", is due to start shortly. It will complement the assistance provided under the above-mentioned project.

35. In addition, an official request from the Government of Angola has just been received for the approval by FAO of a project with the following objectives:

(a) To assess the food and agriculture situation in drought-affected areas and those into which displaced persons have moved;

(b) To identify the requirements to support emergency relief and rehabilitation activities in favour of the aforementioned persons;

(c) To provide technical assistance to carry out such emergency relief and rehabilitation activities;

(d) To help alleviate the burden of support placed on the local population and the Government by the presence of the displaced persons by encouraging them to take up production activities in the food, agriculture and related sectors and assure equitable access of resources and services to both local and displaced persons;

(e) To take all possible measures to contain the potential harmful effects on the environment;

(f) In general, to carry out the role of FAO in the Special Relief Programme for Angola.

36. With regard to national liberation movements, since Namibia became independent in March 1990, FAO provided assistance during the period from March 1990 to March 1991 directly to one African national liberation movement recognized by OAU, namely, the Pan-Africanist Congress of Azania (PAC).

37. Technical assistance was provided to PAC for longer-term development activities through the project "Assistance to PAC in Food Production at Masiguri-Kitonga in the United Republic of Tanzania".

38. Through that project, technical advisory and supervisory assistance has been provided by FAO to develop and establish a self-reliant capacity for food production for subsistence of PAC followers at the Masiguri-Kitonga Settlement. In the process, the experience so gained is expected to contribute to the preparation of PAC followers for agricultural production responsibilities when they ultimately return to South Africa.

39. In addition to the training of PAC members in various aspects of agricultural production and management, provision was made in the farm mechanization project for farm machinery, as well as training in its use and management.

40. In Mozambique, a project formulation mission (budget: $27,000) on "Agricultural rehabilitation support to the displaced population in the Boane district" was fielded in December 1990; the mission's proposal is currently being assessed by FAO's Technical Cooperation Programme.

41. In Zambia, the objective of the project "Emergency supply of tools and agricultural inputs for the resettlement of refugees" (budget: $250,000) in Zambia was to assist Angolan and Mozambican refugees in achieving self-sufficiency in food production.

United Nations Educational, Scientific and Cultural Organization

42. UNESCO has cooperated closely with UNHCR with a view to elaborating strategies involving UNESCO and its partner agencies in the World Conference on "Education for All" held at Jomtien. In addition, the special project "Contribution to the elimination of apartheid: towards an apartheid-free world" includes assistance for training refugees to members of ANC and PAC exiled from South Africa.

International Fund for Agricultural Development

43. Long before the plight of refugees and displaced persons in southern Africa became a matter of urgent concern to the international community, the continent of Africa as a whole and the sub-Saharan countries in particular had suffered economically as a result of prolonged drought and general economic degradation. Civil strife and the influx of refugees only added to the huge inventory of economic and social ills of many African countries. Aware of their unbearable burden, IFAD had been taking special initiatives to provide some measure of relief and had given increased impetus to its overall activities on the continent.

44. In accordance with the goals of an international development agency of the United Nations, IFAD programmes have always been development-oriented. Its special mandate, the alleviation of rural poverty in its member States, gives high priority to agricultural development and employment supporting the social and material well-being of rural people. Because in many areas of Africa refugees, displaced persons and returnees constitute the poorest segment of rural society, that mandate fits in well with international efforts to assist them.

45. The emphasis by IFAD on development in its determination to relieve their problems is thus in harmony with the concept of General Assembly resolution 44/137 of 15 December 1989 which states that "durable solutions for refugees in developing countries can, in many cases, be achieved through a development-oriented approach".

46. In 1986, when the tragic suffering of the rural poor and destitute, including refugees, and the continuing economic decline of many African countries engaged world attention, IFAD initiated its Special Programme for Sub-Saharan African Countries Affected by Drought and Desertification with total resources of about $300 million. The Special Programme sought to achieve the rehabilitation of the productive capacity of smallholders, the enhancement of the food security of households and communities and the setting in motion of projects for environmental protection. Twenty-two priority countries in sub-Saharan Africa, including southern Africa, are the beneficiaries of the programme. In view of the fact that 36 countries of sub-Saharan Africa are hosts to uprooted people, the IFAD initiative in launching the Special Programme was timely.

47. Short- and long-term activities under the Special Programme are all directed at helping the afflicted countries to achieve sustained growth in food production and the rehabilitation of their agricultural resource base. Short-term programmes aim at increasing the smallholders' production capacity by protecting them from the adverse effects of budgetary constraints that diminish their support services and by providing them with credit and agricultural supplies.

48. Long-term programmes of IFAD focus on environmental and institutional improvements. Soil and water conservation, irrigation schemes, agro-forestry, improved pasture and livestock-management, applied research and extension services are the major components of the measures taken to rehabilitate and enhance the production base of agriculture in the countries of the region. Those programmes have been supplemented by the strengthening of local institutions and the promotion of farmer groups and the informal sector.

49. Since the inception of the Special Programme in 1986, the following African countries have received concessionary loans under short- or long-term programmes: in 1986, Ethiopia, Ghana, Mali, Mauritania and the Sudan; in 1987, Burkina Faso, Guinea-Bissau, Mozambique, the Niger, Uganda and Zambia; in 1988, Guinea, Lesotho, Mali, Senegal and the Sudan; in 1989, Angola, the Gambia, Mauritania, Senegal and the United Republic of Tanzania; and in 1990, Cape Verde, Ghana and Kenya.

50. Under the Special Programme, and by 1990, IFAD had approved five loans of $59.86 million to support projects in Angola, Lesotho, Mozambique, the United Republic of Tanzania and Zambia. In addition to those activities under the Special Programme, at the end of 1990, IFAD had made loans under its regular lending programmes to the countries of southern Africa amounting to more than $175.92 million ($177.5 million including grants for 1990) for 16 projects, most of which were on highly concessional terms. IFAD's financial contributions helped mobilize an additional $120.64 million from external donors and $122.19 million from the recipient countries.

51. Southern Africa has benefited from the IFAD Agricultural Management Training Programme, which aims at improving the smallholders' sector. The Programme will enable a number of returnees to acquire the necessary skills to become self-reliant.

52. Where IFAD has been unable to reach refugees, returnees and displaced persons directly, collaboration with non-governmental organizations that possess operational ability has helped IFAD to do so indirectly. The outreach capacity of non-governmental organizations has proved useful on several occasions under difficult circumstances, especially in cases where uprooted people have been involved.

53. Thus, a number of non-governmental organizations have become collaborators in IFAD projects, particularly those in Africa, both as consultants and co-financiers. Such collaboration was envisaged in the agreement establishing IFAD, section 2, article 8 of which states that "the Fund shall cooperate closely, inter alia, with NGOs". Broad guidelines for this cooperation were established by the IFAD Executive Board in 1984.

54. With the advent of the Special Programme for Sub-Saharan African Countries Affected by Drought and Desertification in 1986, the scope of IFAD collaboration with non-governmental organizations was widened. Efforts are being made to involve them when it is appropriate and acceptable to Governments concerned. Collaboration with non-governmental organizations was further strengthened with the initiation of the IFAD/NGO Extended Cooperation Programme, under which support is provided to their activities that have potential application to IFAD projects.

55. At present, IFAD is collaborating with a number of non-governmental organizations in the Central African Republic, the Congo, Ethiopia, Ghana, Kenya, Lesotho, Mali, Mozambique, Sao Tome and Principe and Zaire.

56. In search of a better approach to the problem of how best to assist uprooted people during the initial emergency period as well as over the long-term to become productive and self-reliant, IFAD and UNHCR entered into a cooperation agreement in 1988, thus establishing a creative linkage between the humanitarian and development approaches. IFAD and UNHCR, which seeks to provide protection and render assistance to refugees and returnees, and to find durable solutions to their daunting problems, share many common objectives. Their target groups are largely the same, particularly in Africa,

where most uprooted people are to be found in rural areas. With common goals and a common target group, IFAD and UNHCR can cooperate usefully in mobilizing resources for the identification, preparation, appraisal and implementation of projects for people in southern Africa as they are already doing for Afghan refugees in Iran, Guatemalans in Mexico and Somali displaced persons in Ethiopia.

57. IFAD has participated in the meetings and deliberations of the Africa Fund Committee, which was established in 1986 to support the front-line States against the possible repercussions of the economic sanctions imposed against South Africa on whose infrastructure they were dependent. Governments as well as international organizations and specialized agencies of the United Nations have either pledged assistance or identified specific areas in which they can render assistance to donors or recipients.

58. IFAD initially earmarked $50 million through its Special Programme for Africa for co-financing projects in the front-line States with Africa Fund donors. In the absence of project proposals, other than that for the smallholders rehabilitation programme in Mozambique, from Africa Fund recipients, however, the Special Programme for Africa proceeded to utilize directly the $50 million.

59. At the sixth Senior Officials Meeting of the Africa Fund Committee held at Lusaka, IFAD was able to identify several potential activities in Angola, Botswana, Mozambique, United Republic of Tanzania and Zambia, as well as Namibia, which is planning to become a member State of IFAD. That progress was further consolidated at the seventh Senior Officials Meeting held in Namibia in December 1990. The Africa Fund allocated $100,000 to finance project development in collaboration with IFAD in the front-line States. Informal agreements were reached with Algeria, India, the Libyan Arab Jamahiriya and Norway to co-finance projects with IFAD through the Africa Fund in Angola, Mozambique and Namibia. A Tripartite Informal Understanding between IFAD, the Africa Fund and UNDP is expected to be signed shortly that will further strengthen inter-agency cooperation in addressing the issue of increasing economic opportunities for the region's destabilized population.

60. Through its regular and special lending operations, IFAD has taken a development-oriented approach in order to improve the income-generating opportunities of refugees, displaced persons and returnees. To reach them directly it has collaborated when appropriate with UNHCR and non-governmental organizations in designing projects that offer training and employment to the uprooted persons.

United Nations Industrial Development Organization

61. Although UNIDO does not have a specific programme aimed at refugees, returnees and displaced persons, the Organization has endeavoured to assist the South African liberation movements recognized by OAU. As a result, one project each for ANC and PAC, both aimed at supporting and strengthening their respective repair and maintenance facilities in their camps in the United Republic of Tanzania, are under implementation. Furthermore, as a consequence of the broad technical assistance of UNIDO in supporting and strengthening industrial development in the southern African countries, with the overall aim of generating employment and alleviating poverty, refugees, displaced persons and returnees should benefit as the economies of the host countries are strengthened.

C. Action taken by other intergovernmental organizations

European Community

62. The European Community recognizes the problems confronted by refugees, returnees and displaced persons; there is specific provision for them in the Lomé Conventions and notably article 255 of the Lomé IV Convention.

63. Since the beginning of 1990, there has been support for refugees and returnees in several countries of southern Africa:

(a) In Mozambique, a programme totalling 12.7 million ECU began in 1990. It contributes towards meeting the needs of displaced persons through a variety of non-governmental organizations. It has medical, agricultural, emergency relief and water supply components;

(b) In Angola, 745,000 ECU was allocated for agricultural activities of displaced persons, and some 1 million ECU has been accorded for medical relief;

(c) The refugee problem in Malawi is particularly intense, with some 900,000 refugees from Mozambique, some 11 per cent of the population. EEC has granted some 13.5 million ECU refugee aid since 1988, to strengthen local health structures, repair and maintain access roads, bore wells for drinking-water and other inputs. These facilities are open to needy Malawians as well as refugees.

64. The situation has been complicated by a cholera outbreak, amounting to some 3,000 cases so far. The Community provided 570,000 ECU in November 1990 for medicines and medical equipment, shelter materials, sanitation and other logistic equipment.

65. In Zimbabwe, three projects totalling 1.5 million ECU and focusing on assistance to Mozambican refugees (art. 204 of Lomé III) are presently being implemented.

66. Swaziland has received the following assistance under article 204:

(a) ECU 730,000 for the construction and equipment of a new secondary school and ancillary buildings for 12,000 Mozambican and South African refugees at Mdzevane;

(b) ECU 750,000 for the transfer of Mozambican refugees to the Malindza Refugee Centre and expansion of the camp to accommodate 10,000 further refugees from Mozambique;

(c) ECU 35,000 for a study on livelihood strategies for Mozambican refugees in Swaziland.

67. Under the EEC special programme on South Africa there has been provided to Swaziland:

(a) Assistance to Mozambican refugees and local South African communities: 375,000 ECU;

(b) First response to immediate needs of returning South African exiles: 400,000 ECU.

68. Another budget line aims to give support to the front-line States and to the member States of the Southern African Development Coordination Conference (SADCC). Projects covered under that budget line must be designed to counteract the destabilization measures undertaken in the region and to contribute to the needs of displaced persons living in the region. Allocated budgets are the following:

	(Millions of ECU)
1988	5.2
1989	7.0
1990	15.0
1991	17.0

69. Additional support has been provided for displaced people and refugees through food aid and emergency aid. The Community is eager not to differentiate displaced persons and refugees from the societies in which they live, and is prepared to envisage combining support for them with support through the national indicative programmes of the countries in which they have taken refuge.

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Report of the Secretary-General

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 10	7
II.	ANALYTICAL PRESENTATION OF THE REPLIES RECEIVED FROM STATES AND INTERNATIONAL ORGANIZATIONS	11 - 145	9
	A. Promotion of the acceptance of and respect for the principles of international law	11 - 27	9
	1. Promoting the acceptance of multilateral treaties	11 - 22	9
	2. Assistance and technical advice to States to facilitate their participation in the process of multilateral treaty-making	23 - 26	11
	3. Ways and means of implementation of multilateral treaties	27	12
	B. Promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice	28 - 33	13

* A/46/150.

CONTENTS (continued)

	Paragraphs	Page
1. Suggestions by international organizations and bodies as well as national societies for the promotion of means and methods for the peaceful settlement of disputes between States	28 - 32	13
2. Suggestions by States to the Sixth Committee in respect of the promotion of means and methods for the peaceful settlement of disputes between States	33	14
C. Encouragement of the progressive development of international law and its codification	34 - 70	16
1. Activities of international and regional organizations relevant to the progressive development of international law and its codification	34 - 64	16
2. Suggestions by States for consideration by the Sixth Committee concerning the progressive development of international law and its codification	65 - 69	22
3. Suggestions by States for consideration by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization	70	23
D. Encouragement of the teaching, study, dissemination and wider appreciation of international law	71 - 142	24
1. Promotion of the United Nations Programme of Assistance, Teaching, Study, Dissemination and Wider Appreciation of International Law	71 - 73	24
2. Promotion of the teaching of international law for students and teachers at schools and at higher education levels and international cooperation for that purpose	74 - 82	25
3. Organization of international and regional seminars and symposia for experts on international law	83 - 102	27

CONTENTS (continued)

	Paragraphs	Page
4. Training in international law for legal professionals and government officials organized by States and international organizations	103 - 116	31
5. Publication of the practice of States, international and regional organizations in the field of international law	117 - 130	34
6. Wider publication of the judgments and advisory opinions of the International Court of Justice	131 - 132	37
7. Wider publication of the judgements and advisory opinions of other international courts and tribunals and summaries thereof	133 - 135	38
8. Publication by international organizations of treaties concluded under their auspices, publication of the United Nations Treaty Series and Juridical Yearbook	136 - 142	39
E. Procedures and organizational aspects	143 - 145	40
1. Establishment of national, subregional and regional committees for implementation of the Programme	143	40
2. The question of the provision of adequate financing for the implementation of the Decade Programme	144 - 145	41
III. ACTIVITIES OF THE UNITED NATIONS RELEVANT TO THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION	146 - 235	42
A. The law relating to human rights	146 - 161	42
B. The law relating to disarmament	162 - 166	46
C. The law relating to outer space	167 - 173	47
D. The law relating to economic development	174 - 185	48
E. The law relating to international trade	186 - 191	50

CONTENTS (continued)

	Paragraphs	Page
F. The law relating to international drug control ...	192 - 195	52
G. The law relating to environment	196 - 205	53
H. The law of the sea	206 - 215	56
I. The work of the International Law Commission	216 - 228	57
J. The work of the Sixth Committee	229 - 235	61

Annexes*

I. REPLIES RECEIVED FROM STATES

Austria

Bolivia

China

Czechoslovakia

Lesotho

Mexico

Morocco

Romania

Sweden (on behalf of the Nordic countries)

Turkey

Union of Soviet Socialist Republics

Uruguay

Yugoslavia

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* The full texts of the replies in the original language of submission and in English are available in the Codification Division of the Office of Legal Affairs.

CONTENTS (continued)

II. REPLIES RECEIVED FROM ORGANIZATIONS OF THE UNITED NATIONS SYSTEM, INTERNATIONAL ORGANIZATIONS, INTERGOVERNMENTAL ORGANIZATIONS AND NON-GOVERNMENTAL ORGANIZATIONS

Office for Ocean Affairs and the Law of the Sea

Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Committee on the Peaceful Uses of Outer Space

Disarmament Commission

United Nations Centre on Transnational Corporations

United Nations Environment Programme

United Nations Conference on Environment and Development

United Nations International Drug Control Programme

United Nations Commission on International Trade Law

International Court of Justice

International Labour Organisation

United Nations Educational, Scientific and Cultural Organization

International Civil Aviation Organization

World Health Organization

Universal Postal Union

World Meteorological Organization

International Maritime Organization

World Intellectual Property Organization

International Atomic Energy Agency

Council of Europe

European Community

CONTENTS (continued)

International Court of Justice of the European Communities

European Court of Human Rights

European Space Agency

International Energy Agency

Permanent Court of Arbitration

Court of Arbitration of the International Chamber of Commerce

Hague Academy of International Law

Institute of International Law

International Astronautical Federation

International Bar Association

International Committee of the Red Cross

International Council of Environmental Law

International Institute of Humanitarian Law

International Studies Association

International Union for Conservation of Nature and Natural Resources

Inter-Parliamentary Union

World Association for World Federation

I. INTRODUCTION

1. By its resolution 44/23, the General Assembly declared the period 1990-1999 as the United Nations Decade of International Law. The main purposes of the Decade, according to paragraph 2 of the resolution, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law.

2. On 28 November 1990, the General Assembly adopted resolution 45/40, entitled "United Nations Decade of International Law", to which was annexed as an integral part thereof the Programme for the activities to be commenced during the first term (1990-1992) of the United Nations Decade of International Law. In paragraph 4 of the resolution, the Assembly invited all international organizations and institutions referred to in the Programme to undertake the relevant activities outlined therein and, as appropriate, to submit to the Secretary-General interim or final reports for transmission to the General Assembly at the forty-sixth session or, at the latest, the forty-seventh session. In paragraph 5 of the resolution, the Assembly requested the Secretary-General to submit to it at its forty-sixth session, a progress report on the implementation of the Programme.

3. In paragraph 1 of section III of the Programme for activities to be commenced during the first term (1990-1992) of the United Nations Decade of International Law, the Assembly requested the Secretary-General to prepare a report on the activities of the United Nations relevant to the progressive development of international law and its codification, including those of the International Law Commission.

4. By a note dated 31 January 1991, the Secretary-General invited Governments to submit information on the implementation of the Programme. A similar request was transmitted by letters dated 30 January 1991 to intergovernmental organizations, United Nations bodies, international courts and tribunals, and non-governmental organizations working in the field of international law.

5. As at 27 September 1991, replies had been received from Austria, Bolivia, China, Czechoslovakia, Lesotho, Mexico, Morocco, Romania, Sweden (on behalf of

the Nordic countries), Turkey, Uruguay, Union of Soviet Socialist Republics and Yugoslavia. Replies has also been received from the Office for Ocean Affairs and Law of the Sea, Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, Committee on the Peaceful Uses of Outer Space, Disarmament Commission, United Nations Centre on Transnational Corporations, United Nations Environment Programme, United Nations Conference on Environment and Development, United Nations International Drug Control Programme, United Nations Commission on International Trade Law, International Court of Justice, International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, International Civil Aviation Organization, World Health Organization, Universal Postal Union, World Meteorological Organization, International Maritime Organization, World Intellectual Property Organization, International Atomic Energy Agency, Council of Europe, European Community, Court of Justice of the European Communities, European Court of Human Rights, European Space Agency, International Energy Agency, Permanent Court of Arbitration, International Court of Arbitration of the International Chamber of Commerce, Hague Academy of International Law, Institute of International Law, International Astronautical Federation, International Bar Association, International Committee of the Red Cross, International Council of Environmental Law, International Institute of Humanitarian Law, International Studies Association, International Union for Conservation of Nature and Natural Resources, Inter-Parliamentary Union and World Association for World Federation.

6. The replies from States and international organizations are analytically summarized in section II of the present report. The information on activities of the United Nations in the field of progressive development of international law and its codification is to be found in section III.

7. The substance of the views presented in section II is summarized as appropriate, and grouped under the five main sections into which the Programme is divided. Within each of the sections, the information received is further divided and presented in accordance with specific paragraphs of those sections concerning requests to States and international organizations. As can be seen from the report, replies received from States and international organizations address sections III and IV of the Programme in much greater detail than other sections. Furthermore, the information received under sections III and IV has been slightly shortened and presented in such a way as to give the full scope of the relevant activities.

8. The summary of the information on the activities of the United Nations presented in section III addresses specific areas of legal activities undertaken by various United Nations bodies in the field of progressive development of international law and its codification, according to the respective competence of such bodies. Thus the analysis deals with eight specific areas of activities of the United Nations bodies concerning their work on the law relating to human rights; the law relating to disarmament; the law relating to outer space; the law relating to economic development; the law relating to international trade; the law relating to international drug

control; the law of the sea; and the law relating to environment and development. The analysis also deals separately with the work of the International Law Commission and of the Sixth Committee.

9. Where an area of legal activity is dealt with by several international organizations or United Nations bodies, according to their respective competence, observations to that effect are made in appropriate footnotes. It should also be noted that certain United Nations bodies such as the United Nations International Drug Control Programme and the United Nations Office of Ocean Affairs and Law of the Sea have also provided information of activities that relate to specific paragraphs of the Programme of the Decade analysed in section II.

10. The full texts of the replies listed as annexes, in the original language of submission and in English, are available in the Codification Division of the Office of Legal Affairs.

II. ANALYTICAL PRESENTATION OF THE REPLIES RECEIVED FROM STATES AND INTERNATIONAL ORGANIZATIONS

A. Promotion of the acceptance of and respect for the principles of international law

1. Promoting the acceptance of multilateral treaties*

11. A group of States have reported that they review regularly their policies regarding accession to treaties to which they are not yet parties. They also review regularly the possibility of withdrawing their reservations to existing multilateral treaties to which they are parties. They are of the view that the Decade provides an opportunity to encourage them to conduct such reviews. Four States have reported that they are parties to a large number of multilateral treaties covering all fields of international law; that they have recently become parties to other multilateral treaties. One State is currently considering acceptance of other treaties, two others indicated steps

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* Under paragraph 2 of this section of the Programme, States are invited to consider, if they have not yet done so, becoming parties to existing multilateral treaties, in particular those relevant to the progressive development of international law and its codification. International organizations under whose auspices such treaties are concluded are invited to indicate whether they publish periodic reports on the status of ratifications of and accessions to multilateral treaties and, if they do not, to indicate whether in their view such a process would be useful. Consideration should be given to the question of treaties which have not achieved wider participation or entered into force after a considerable lapse of time and the circumstances causing the situation.

taken to withdraw reservations to or accept optional monitoring procedures under a number of human rights treaties, while one State is drafting a Constitution in which it undertakes to carry out fully and faithfully the obligations placed upon it by the treaties to which it is a party.

12. A regional organization has indicated that it is a party to several international agreements.

13. With respect to the publication of periodical reports on the status of ratification and accessions, some international organizations and non-governmental organizations have indicated that they all publish such periodical reports on treaties relevant to their work. Such publications take, however, different forms.

14. The International Labour Organisation (ILO), for example, publishes information on ratifications in the Official Bulletin. A list of ratifications of the relevant Conventions is submitted to the International Labour Conference. It also publishes annually a chart of ratifications which is updated every six months.

15. The World Intellectual Property Organization (WIPO) publishes regularly a list of States parties to the Convention establishing the Organization and the treaties administered by WIPO. In addition, its monthly publications, Copyright and Industrial Property, also contain information on the status of such treaties.

16. The Council of Europe publishes a "Chart showing Signatures and Ratifications of Conventions and Agreements concluded within the Council of Europe" in a loose-leaf form and is updated at regular intervals.

17. The United Nations Environment Programme (UNEP) publishes every two years a "Register of International Treaties and other Agreements in the Field of Environment" containing information on the status of such treaties.

18. The United Nations International Drug Control Programme published annual reports questionnaires on implementation of the drug control treaties and sends them to States.

19. The secretariat of the United Nations Commission on International Trade Law (UNCITRAL) submits to each annual session of the Commission a report entitled "Status of conventions", indicating the acceptance of the multilateral treaties and other legal texts emanating from the work of UNCITRAL.

20. The International Institute of Space Law produces annual reports on the status of some 15 treaties in the field of outer space.

21. Some organizations have also provided information on measures other than periodic reports. The United Nations International Drug Control Programme, for example, prepares a monthly status of treaty adherence for internal

circulation but makes it available to interested parties; the document is distributed to participants of meetings. The International Energy Agency uses a computerized register of international energy research and development implementing agreements which contain the status of ratifications of and accessions to such agreements.

22. With respect to treaties which have not received wider acceptance, the United Nations International Drug Control Programme organizes campaigns to urge States to become parties to drug control treaties. It also issues questionnaires to States containing questions on administrative, legislative and operational steps taken by States with respect to the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. 1/ The replies are summarized and reviewed by the Commission on Narcotic Drugs. The Inter-Parliamentary Union has reported that appeals have been launched to their members urging them to accept relevant international legal instruments; the Union also expressed its willingness to cooperate in the context of the Decade with a view to promoting universal acceptance to all legal instruments forming the purpose of international law. The Universal Postal Union (UPU) indicated that it also issues frequent appeals for prompt ratifications of the Acts of the Union.

2. Assistance and technical advice to States to facilitate their participation in the process of multilateral treaty-making*

23. Several organizations have specifically reported on this aspect of the Programme. Various forms of assistance and technical advice are provided by such organizations to States, particularly developing countries.

24. A range of legal assistance has been provided. ILO, for example, provides assistance in treaty-making through regional advisers on international labour standards; such advisers are based in different geographical regions of developing countries. The International Civil Aviation Organization (ICAO) organizes seminars and conferences on air law to stimulate the ratification and implementation of relevant international conventions. WIPO makes its International Bureau available to assist any State that is interested in reaching a decision on the desirability of becoming a part to any of the treaties administered by WIPO. To that end, it prepares documents and publications, organizes meetings and upon request, gives advice to Governments. To enable States to become parties to treaties, the Council of Europe assists States to reform their laws. Recently, such assistance has been extended to Central and Eastern European States.

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* Under paragraph 3 of this section of the Programme, States and international organizations are encouraged to provide assistance and technical advice to States, in particular to developing countries to facilitate and participate in the process of multilateral treaty-making, including their adherence to and implementation of such multilateral treaties.

25. UNEP provides technical assistance to developing countries, at their request, in the development of their national environmental legislation. The United Nations International Drug Control Programme advises States on the extent of obligations under the relevant treaties and on legislative and administrative measures to implement the conventions; reviews and evaluates States' drug control legislation and infrastructures; and informs them of measures adopted by other countries with similar legal systems on the resolution of particular implementation problems. It is developing a directory of authorities designated by Governments for the purpose of implementing provisions of narcotics control treaties; it also prepares manuals for the use of national authorities who are involved in drafting requests for assistance in the field of narcotics control or for requests of extradition of persons allegedly involved in illicit traffic of drugs. The United Nations Office for Ocean Affairs and the Law of the Sea provides information, advice and assistance to member States, in particular, to developing countries, to facilitate the implementation of the 1982 United Nations Convention on the Law of the Sea. 2/ It provides assistance and technical advice to regional and interregional activities aimed at rational application of the Convention through the adoption of regional or other international agreements covering ocean uses and the rational development of ocean resources. The UNCITRAL secretariat provides, upon request, technical assistance and advice to States that may be considering adoption of one of the legal texts prepared by the Commission, such as review of a proposed legislation or comments on reports by law reform commissions and similar bodies. 3/

26. The International Union for Conservation of Nature and the Natural Resources provides environmental law services to respond to requests of developing countries in various geographic regions for technical legal assistance in the field of environment and conservation legislation (for example, review existing legislation and to draft new legal instruments).

3. Ways and means of implementation of multilateral treaties*

27. Six States have responded to this aspect of the Programme. In their view, the following methods could be used to promote implementation of multilateral treaties:

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* Under paragraph 4 of this section of the Programme, States are encouraged to report to the Secretary-General on ways and means as provided for by the multilateral treaties to which they are parties regarding the implementation of such treaties. The Secretary-General is requested to prepare a report on the basis of this information and to submit to the General Assembly.

(a) Adoption of legislative, judicial and administrative measures for the implementation of treaty obligations, including submitting reports on the implementation of the relevant conventions for consideration by the bodies established thereunder;

(b) Implementation of existing norms and conventions: e.g., examination of the possibility of complementing the existing instruments by the addition of monitoring procedures: using, for example, General Assembly resolutions as a means to establish the necessary recording procedures;

(c) Consideration of the possibility of accepting optional clauses for the settlement of disputes in multilateral treaties;

(d) Reaching of a uniform understanding, interpretation and practical implementation of the norms and principles of international law contained in international agreements by promoting international discussions of such issues at both intergovernmental and non-governmental levels;

(e) Study and elaboration of recommendations on the most effective and acceptable ways and means for different States to incorporate provisions of international conventions into municipal law.

B. Promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice

1. Suggestions by international organizations and bodies as well as national societies for the promotion of means and methods for the peaceful settlement of disputes between States*

28. Replies received from international organizations on the question range from suggestions for increasing awareness of existing procedures for international adjudication, prevention of future threats to peace, studies to improve specific methods of peaceful settlement of disputes to the establishment of committees to prepare draft treaties concerning settlement of disputes arising in areas of competence.

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* Under paragraph 1 of this section of the Programme, the United Nations system of organizations and regional organizations, including the Asian-African Legal Consultative Committee, as well as the International Law Association, the Institut de droit international, the Hispano-Luso-American Institute of International Law and other international institutions working in the field of international law, as well as national societies of international law, are invited to study the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, and to present suggestions for the promotion thereof to the Sixth Committee.

29. The Permanent Court of Arbitration has reported on the reasons for the recent lack of recourse to the Court. As to the remedial measures, the following were noted: to increase awareness of the Court, to improve the selection process and the appointment of arbitrators, to update the procedural rules of the Court along the lines of the UNCITRAL Arbitration and Reconciliation Rules, and to improve the functioning of the Administrative Council and the International Bureau of the Court.

30. The World Association for World Federation considers that attention should be given to the question of strengthening the ability of the United Nations to prevent future threats to the peace. Certain means were also suggested. It also suggested that a study should be undertaken on such topics as the creation of United Nations security forces.

31. The Institute of International Law, the International Court of Arbitration of the International Chamber of Commerce (ICC) and the International Bar Association have expressed their willingness to conduct studies on certain specific topics. Thus, the Institute contemplates establishing a commission on the question of peaceful settlement of disputes in the context of the most recent developments and to submit proposals thereon within two years. ICC is willing to study measures for the improvement of conciliation and arbitration procedures and to examine practical means to promote the use of international arbitration. The International Bar Association is prepared to explore the question of how to enhance support for the International Court of Justice (ICJ).

32. WIPO has reported that it has established a Committee of Experts for preparing a treaty on the settlement of disputes between States in the field of intellectual property. It is envisaged that the treaty would include such procedures as compulsory consultations, panel procedure, and operational recourse to good offices, conciliation, mediation and arbitration.

2. Suggestions by States to the Sixth Committee in respect of the promotion of means and methods for the peaceful settlement of disputes between States*

33. The suggestions received from States may be summarized as follows:

(a) Special emphasis should be made on those areas where differences between States are likely to occur in the future, for example, the settlement of disputes relating to the environment;

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* Under paragraph 2 of this section of the Programme, States are invited to make proposals to the Sixth Committee in respect of the promotion of the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice.

(b) Discussions and studies should be promoted on the ways and means for the strengthening of the role of ICJ;

(c) Consideration should be given to a possibility of voluntary withdrawal of reservations made in respect of multilateral treaties which contain provisions conferring compulsory jurisdiction on ICJ;

(d) Policy makers should be encouraged to resort to the rule of law rather than force in conflict situations;

(e) States should make financial contributions to the Secretary-General's Trust Fund to assist States in the settlement of disputes through ICJ.

C. Encouragement of the progressive development of international law and its codification

1. Activities of international and regional organizations relevant to the progressive development of international law and its codification*

34. The replies received in connection with paragraph 1 of section III of the Programme indicate that international organizations are engaged in a number of activities relevant to the progressive development of international law and its codification in the separate areas of their respective competence. The activities range from elaboration of treaties to adoption of resolutions or recommendations aimed at facilitating the efforts towards conclusion of legally binding instruments on a given subject-matter, as illustrated below.

35. The International Labour Organisation stated that it had a regular programme of codification of international labour law, and up to the end of 1990 had adopted 171 Conventions and 176 Recommendations.

36. ICAO stressed that it had experienced a rich history in the progressive development and codification of international air law, which included, inter alia, adoption of the amendments to the Warsaw Convention in 1955, 1961, 1971 and 1975 unifying private law of international carriage by air, and also the three aviation security conventions of Tokyo (1963), The Hague (1970) and Montreal (1971), which were among the most widely accepted international agreements ever adopted; the Protocol to the Montreal Convention (1988) had been conceived, drafted, adopted and had come into force in an unprecedented short period of time.

37. The World Health Organization (WHO) pointed out that it had not been involved in the preparation of many legal instruments in the field of international law. Nevertheless, one of the resolutions of the last World Health Assembly, although not legally binding, could contribute to the development of international health law and policy. Indeed, resolution WHA44.25 of 13 May 1991, which endorsed "Guiding Principles on Human Organ Transplantation" (document A44/11 of 15 March 1991), had been unanimously

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* Under paragraph 1 of this section of the Programme, international organizations, including the United Nations system of organizations and regional organizations, are invited to submit to the Secretary-General of the United Nations summary information regarding the programmes and results of their work relevant to the progressive development of international law and its codification, including their suggestions for future work in their specialized field, with an indication of the appropriate forum to undertake such work.

Similarly, the Secretary-General was requested to prepare a report on relevant activities of the United Nations (see sect. III below).

approved by the Executive Board and by the World Health Assembly as an answer to the concern of Member States over a rise of commercial trafficking in human organs.

38. The Universal Postal Union (UPU) stated that the Universal Postal Convention and its Detailed Regulations embodied the rules applicable throughout the international postal service and the provisions concerning the letter post services. International postal relations were not limited to the letter post services; they included supplementary services (postal parcels) or those traditionally governed by the postal administration (postal financial services). It was natural for the Union to concern itself with those areas and to extend its competence to those services. An Agreement had been concluded at a very early date to organize the money order service (the 1878 Paris Congress); that had been followed by the Postal Parcels Agreement (1880), the Agreement to which by far the largest number of member countries had acceded. Two others dealt further with financial questions (the Giro and Cash-on-Delivery Agreements). Each Agreement was accompanied by Detailed Regulations to provide for its implementation. The Agreements were binding only on the member countries which were parties to them.

39. The World Meteorological Organization (WMO) indicated that it provided advice of a scientific and technical nature to the negotiation of the Framework Convention on Climate Change through the Intergovernmental Negotiating Committee. In the past, WMO had also provided similar advice in connection with the Vienna Convention for the Protection of the Ozone Layer and its Montreal Protocol on Substances that Deplete the Ozone Layer, the Convention on Assistance in case of a Nuclear Accident or Radiological Emergency, and the Convention on Early Notification of a Nuclear Accident.

40. The International Maritime Organization (IMO) recalled that the latest treaty instrument adopted under the auspices of IMO was the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (OPEC Convention).

41. The 1990-1991 work programme of the IMO Legal Committee included as a priority subject the consideration of a possible convention on liability and compensation for damage in connection with the carriage of dangerous goods by sea. The main purpose of that instrument was to create an international liability regime based on the principle of strict liability which would provide for adequate compensation to the victims of damage caused by dangerous goods during their carriage by sea. 4/

42. The prospective convention would represent a decisive step towards the unification of rules of international law in the field of liability and compensation for damage resulting from the carriage of dangerous goods by sea. In that regard, the work of IMO had already resulted in the adoption and implementation of two important treaty instruments providing for liability and compensation for damage caused by oil pollution, namely, the International Convention on Civil Liability for Oil Pollution Damage (1969) and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1971).

43. A draft convention on maritime liens and mortgages prepared by an IMO/UNCTAD Joint Intergovernmental Group of Experts was expected to be considered for adoption by a United Nations diplomatic conference in 1992 or 1993. IMO was at present working on the preparations and servicing of the conference. The new convention would replace the 1926 and 1967 conventions for the unification of certain rules relating to maritime liens and mortgages.

44. WIPO noted that, in accordance with its constitutive instrument, one objective was to promote the protection of intellectual property throughout the world through cooperation among States. In order to attain its objectives, the Organization was entrusted with the function of encouraging the conclusion of international agreements designed to promote the protection of intellectual property. In addition to creating new treaties, WIPO encouraged the adjustment (through revision or supplementing) of existing treaty relations to new circumstances.

45. In previous years, the following treaties had been concluded under the aegis of WIPO: the Treaty on the International Registration of Audiovisual Works, adopted at Geneva on 18 April 1989; the Treaty on Intellectual Property in Respect of Integrated Circuits, adopted at Washington on 26 May 1989; and the Protocol Relating to the Madrid Agreement concerning the International Registration of Marks, adopted at Madrid on 27 June 1989.

46. Also under the auspices of WIPO, the first part of a Diplomatic Conference for the Conclusion of a Treaty Supplementing the Paris Convention as Far as Patents are Concerned had been convened and it would take place at The Hague from 3 to 21 June 1991.

47. As concerns future normative activities, the draft programme and budget for the biennium 1992-1993 foresaw that in that period a diplomatic conference for the conclusion of a treaty on the settlement of disputes between States in the field of intellectual property would be convened. Preparatory work would also be undertaken with a view to eventually concluding the following instruments:

(a) A protocol to the Berne Convention for the Protection of Literary and Artistic Works;

(b) A treaty on the protection of geographical indications;

(c) A treaty supplementing the Paris Convention as far as trademarks are concerned ("Trademark Law Treaty");

(d) A revised text of The Hague Agreement concerning the International Deposit of Industrial Designs.

48. The draft programme and budget for the biennium 1992-1993 also envisaged the exploration of the following intellectual property questions that were in possible need of norm setting: biotechnological inventions, artificial

intelligence, impact of new technologies on the intellectual property rights of performing artists, unfair competition, franchising, character merchandising and insurance against the risk of litigation concerning the availability of patents.

49. The expected result of WIPO activities in the aforementioned questions might take the form either of a multilateral agreement or of reports, model laws or model contracts, as well as, if appropriate, the setting up of an adequate mechanism within WIPO.

50. The International Atomic Energy Agency (IAEA) stressed that over the past few years, it had been engaged in the consideration of the question of international civil and State liability for nuclear damage with a view to strengthening and supplementing the existing liability regimes based on the 1963 Vienna Convention on Civil Liability for Nuclear Damage and the 1960 Paris Convention on Third Party Liability in the Field of Nuclear Energy. One of the results of that work was the adoption in 1988, in cooperation with the OECD/NEA, of the Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention. 4/

51. In February 1990, the IAEA Board of Governors had established an open-ended Standing Committee on Liability for Nuclear Damage with the mandate to consider civil and State liability for nuclear damage, and the relationship between them; to keep under review problems relating to the Vienna Convention; to make the necessary preparations and arrangements for a revision conference for the Vienna Convention. Thus far, the Standing Committee had held three sessions during which it had moved from general exchange of views to the consideration of specific proposals to amend the Vienna Convention. They concerned a number of substantive issues, including the geographic scope of the Convention; its application to military installation; the expansion of the concept of nuclear damage to include contamination of the environment and preventive measures; the enhancement of the limit of operators' liability; the extension of the time limits for submission of claims for compensation; the establishment of an international tribunal for settlement of such claims.

52. In the meantime, the IAEA Director General, as depositary, had received the number of requests required by the Vienna Convention to convene a revision conference in accordance with its article XXVI. There was general agreement in the Standing Committee that the revision conference should be convened after the necessary preparatory work had been completed.

53. The Standing Committee had been also considering the question of international State liability including State involvement in prevention of nuclear accidents and mitigation of their consequences.

54. In addition to the issue of amending the Vienna Convention and the question of State liability, the Committee had before it proposals regarding establishment of a system for additional funding to supplement liability of the operator.

55. The Council of Europe pointed out that it had adopted over 140 treaties. The following were of particular importance in the field of public international law:

(a) The European Convention for the Peaceful Settlement of Disputes; 5/

(b) The European Convention on Consular Functions and its Protocols concerning the protection of refugees and concerning civil aircraft;

(c) The European Convention on the Abolition of Legalization of Documents Executed by Diplomatic Agents or Consular Officers;

(d) The European Convention on State Immunity and its Additional Protocol. 6/

56. The Committee of Legal Advisers on Public International Law (CAHDI), which reported directly to the Committee of Ministers of the Council of Europe, examined many different questions relating to public international law (e.g., the work of the Sixth Committee of the United Nations General Assembly, the work of the International Law Commission of the United Nations, peaceful settlement of disputes, the expression of consent by States to be bound by a treaty, the possibility of the family of members of diplomatic missions and consular posts to undertake paid work, opting out clause in treaties, the privileges and immunities of international organizations, "disconnection" or special relations clauses, the United Nations Decade on International Law, current developments and problems in international law). The CAHDI would, at its next meeting to be held in Paris in September 1991, consider, inter alia, the work of the General Assembly and the International Law Commission of the United Nations, the United Nations Decade of International Law and current problems and developments in international law.

57. The International Astronautical Federation stated that international law of outer space formed an important part of present international law and encouragement of its progressive development as well as promotion of international cooperation in that field were among the foremost concerns of the International Institute of Space Law (IISL). In that regard, the topics of the IISL Colloquia held every year were selected by the IISL Board of Directors. Papers presented on those topics during the Colloquia, and later published in the IISL Proceedings, brought a wealth of ideas, suggestions and comments that related to the progressive development of space law. They might serve as sources and materials for the work of the Committee on Peaceful Uses of Outer Space (COPUOS) and its legal Subcommittee in that field. 7/ They also contributed to the development of the space law doctrine.

58. The Round Tables organized by a Scientific-Legal Liaison Committee, a joint body of the International Academy of Astronautics (IAA) and IISL, brought to the attention of COPUOS ideas on topics which would deserve, sooner or later, the consideration by both Subcommittees of COPUOS. During the period 1990-1992, the IAA/IISL Round Tables had dealt, or would deal, with the following topics: the scientific and legal aspects of managing space debris

(Dresden, 1990) and the exploration and uses of celestial bodies (Washington, D.C., 1992).

59. The International Institute of Humanitarian Law stressed that it paid special attention to the progressive development of international humanitarian law, refugee law and human rights. In that regard, on several occasions the Institute had organized meetings of experts at which it had not only analysed the present situation of humanitarian branches of international law but it had also elaborated some concrete proposals for their progressive development. A good example was the adoption of a declaration on the protection of refugees, asylum seekers and displaced persons adopted by the fourteenth Round Table on current problems of international humanitarian law held at San Remo in 1989. That declaration opened the door for a possible future codification of refugee law which was already on the agenda of the Institute. The Institute had also created a group of international experts of around 40 persons who had adopted a plan of action in the promotion of the law of armed conflicts at sea. The plan of action had begun to be implemented in 1989 by a meeting organized by the Institute in cooperation with the University at Bochum. The final document of the group of experts expected in 1992 would be presented first of all to the International Committee of the Red Cross and, if necessary, to Governments.

60. The International Union for Conservation of Nature and Natural Resources (IUCN) pointed out that initiatives for the development, negotiation and adoption of new international instruments were a major feature of the IUCN Environmental Programme. The Law Programme had been responsible for initiating and providing the impetus and drafting expertise for several major environmental treaties, such as the Convention on International Trade in Endangered Species (1973), the African Convention on the Conservation of Nature and Natural Resources (1969) and, most recently, the Agreement on the Conservation of Nature and Natural Resources of the Association of South-East Asian Nations (ASEAN) (1985). 8/

61. In the coming years, the Law Programme would continue its current involvement in the preparation and negotiation of new environmenal treaties. The Programme had actively participated in the Second World Climate Conference to help develop a convention on climate change. As the initial drafters of articles for inclusion and as participants in a legal experts working group the Law Programme had been able to have an impact on the development of a convention to conserve biological diversity. At the request of the German Government, the Law Centre had drafted a Nature Conservation Protocol for the evolving Alps Convention and, finally, it had been monitoring the elaboration of a new Treaty to protect the environment of Antarctica closely.

62. The IUCN Commission on Environmental Law would also be continuing its project to develop a comprehensive and global instrument of environmental legal principles in the shape of a Covenant on Environmental Conservation and the Sustainable Use of Natural Resources.

63. The International Court of Arbitration of the International Chamber of Commerce (ICC) stated that the International Chamber of Commerce had

contributed greatly to the development of international law. It had been with the assistance of the Court that the first diplomatic instruments on arbitration were negotiated at Geneva: the Protocol on Arbitration Clauses of 24 September 1923 and the Convention on the Enforcement of Foreign Arbitral Awards of 26 September 1927. Still in force, those treaties were now replaced in the relations between more than 80 States by the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 10 June 1958, the development of which had been greatly due to ICC which had, as early as 1953, submitted to the United Nations Economic and Social Council a draft convention on international arbitration aimed at improving the system resulting from the Geneva agreements. The Geneva Convention on International Commercial Arbitration of 21 April 1961, was also drafted with ICC participation within the framework of the United Nations Economic Commission for Europe. More recently, ICC had taken an active part in the work of UNCITRAL on international commercial arbitration. 9/

64. The main achievement of ICC was, since 1922, to have made available to international commerce sophisticated rules of conciliation and arbitration, pragmaticaly reviewed and adapted to the changing needs of the international trade community. The version now in force dated from 1 January 1988. Since 1990, the ICC had also proposed to the parties pre-arbitral referee rules. Since its creation, more than 7,000 cases had been referred to arbitration at the ICC International Court, and 3,500 of those since 1980; in the year 1990 alone, an 18 per cent increase in new cases had been recorded. Arbitral case law was thereby creating an international law also applicable to Governments when they themselves sign valid arbitration clauses.

2. Suggestions by States for consideration by the Sixth Committee concerning the progressive development of international law and its codification*

65. The suggestions contained in the few replies received from States single out the environment, human rights, humanitarian law, the prevention of international terrorism and of illicit drug trafficking as the areas where developing international law is of particular interest, as indicated below.

66. One state noted that international environmental law in general seemed to be an area of international law that particularly required progressive development and it, therefore, believed that the development of international norms relating to environmental protection in general and in time of armed

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* Under paragraph 2 of this section of the Programme, States are invited, on the basis of information mentioned in paragraph 1 to submit suggestions for consideration by the Sixth Committee. In particular, efforts should be made to identify areas of international law which might be ripe for progressive development or codification.

conflict in particular would be a most suitable subject to be dealt with in that framework.

67. Another State expressed the view that the progressive development of international law and its codification should take into account the needs and realities of the modern world and thus cover areas, such as the protection of the environment, human rights, the prevention of international terrorism and illicit drug trafficking.

68. A group of States reiterated its proposal that the subject of prevention and settlement of international disputes relating to the environment was an area of international law which would be well suited for development and codification within the framework of the Decade.

69. One State expressed the view that the coordination of activities under the United Nations Decade of International Law and the International Decade for Natural Disaster Reduction would foster the development of international humanitarian law. It further supported the idea of developing a legal instrument on the elimination of all forms of religious intolerance.

3. Suggestions by States for consideration by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization*

70. No replies have been received on the subject.

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* Under paragraph 4 of the section of the Programme, States, particularly those that proposed the inclusion of this question in the programme for the Decade, are invited to present draft texts to the Secretary-General for consideration.

D. Encouragement of the teaching, study, dissemination and wider appreciation of international law

1. Promotion of the United Nations Programme of Assistance, Teaching, Study, Dissemination and Wider Appreciation of International Law*

71. A group of States stressed that, on an individual basis, they supported the International Law Seminar within the framework of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. They also supported efforts in that field within their respective countries.

72. A State member of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law indicated its readiness to participate in the work of this body leading to the identification of new, practical methods of implementing relevant recommendations of the General Assembly in this field.

73. UNESCO pointed out that before the end of the year it would bring out a publication entitled "International Law: assessment and prospects" in order to contribute to the strengthening of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. This publication will address various aspects of international law and will take into account the diversity of legal systems.

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* Under paragraph 1 of this section of the Programme, States are encouraged to contribute to the strengthening of the United Nations Programme of Assistance, Teaching, Study, Dissemination and Wider Appreciation of International Law.

2. Promotion of the teaching of international law for students and teachers at schools and at higher education levels and international cooperation for that purpose*

74. One State noted that courses in international law formed a constituent part of the curricula of law students in that country.

75. Another State observed that in addition to law schools, courses on international law were an integral part of the curricula of political science schools, commercial and economics faculties and schools of public administration of that country.

76. Yet another State indicated that courses on international law are offered at its various faculties of law on the following subjects: inter-State relations, international organizations, regional groups, peaceful settlement of disputes, law of the sea, international development law, environmental law and, increasingly, on human rights.

77. The replies from international organizations indicate that the promotion of teaching of international law for students and teachers has been undertaken through various means such as organization of seminars and preparation of booklets, as illustrated below.

78. UPU observed that the law that governed international postal relations and, more specifically, the provisions constituting the postal legislation at

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* Under paragraph 2 of this section of the Programme, States should encourage their educational institutions to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. Cooperation between institutions at the university level, amongst developing countries, on the one hand, and their cooperation with those of developed countries on the other, should be encouraged.

Under paragraph 3 of this section of the Programme, States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

Under paragraph 6 of this section of the Programme, cooperation among developing countries, as well as between developed and developing countries, in particular among those persons who are involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law, is encouraged.

the level of UPU as a whole, were part of the curriculum of the higher educational institutions of the administrations which were members of UPU.

79. WIPO pointed out that it cooperated with the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), an international non-governmental organization, in furthering, inter alia, the teaching of the comparative and international aspects of the law of intellectual property. WIPO facilitated the participation of professors and researchers in intellectual property law from developing countries in meetings of ATRIP. In September 1990, WIPO had organized jointly with ATRIP and the University of Costa Rica a Symposium on Intellectual Property, University and Industry in Latin America at San José. WIPO had provided financial assistance to a number of participants from Latin America, as well as from other regions.

80. The European Community noted that the acceleration of the process of European integration and the institution of the expanded internal market in 1993 had prompted universities to pay particular attention to the teaching of Community-related subjects, particularly in the field of law, where Community developments constituted an increasingly large part of the curriculum; indeed, 80 per cent of the economic law that would govern the European Community was covered by Community law. In 1990, in response to requests from universities for help in keeping up with rapid changes, the Commission had launched the "Jean Monnet Action: Teaching on Europe in Universities", a three-year programme aimed at establishing 120 European "chairs" throughout the Community by 1992 in order to promote the teaching of courses related to European integration in university programmes. The Jean Monnet Action had sparked great interest among higher education circles.

81. European inter-university cooperation was another important tool for the development of studies in international and Community law. Under the ERASMUS programme, institutions of higher education within the European Community could receive support from the Commission for the establishment of inter-university cooperation programmes, transnational structures that foster student and teacher mobility and the joint development of teaching programmes and intensive courses. International law was particularly well represented in those programmes, especially in intensive courses of relatively short duration, which allowed institutions to pool their expertise in new and highly specialized fields. Over the previous two years, more than 1,400 students had also spent extended periods (from three months to a year) studying at institutions in other member States to enhance their training in that field. The strengthening of inter-university networks (currently connecting nearly 80 institutions in the discipline) should help to improve the content and quality of teaching. Lastly, support was being provided to a number of teachers' and students' associations to promote the study of international law.

82. The European Space Agency stated that the European Centre for Space Law was publishing a booklet on Space Law Teaching in Europe. The twofold aims of

the booklet were to improve awareness of courses already being taught in Europe and to stimulate interest in the rather new area of international law. The booklet provided academics, students and practitioners with initial information on who was teaching space law, where space law was being taught, and at what level and which special subjects were included. With that publication the Centre hoped to promote the teaching of space law in Europe and to make students more aware of the possibilities they had to attend courses in space law. Also working in that field is the International Astronautical Federation, which indicated that contributions made by a number of members of the International Institute of Space Law, which were leading authorities associated with teaching law students, had been collected in a study entitled The Teaching of Space Law around the World, which had been edited by Professor Stephen Gorove and published by the University of Mississippi Law Center in 1986.

3. Organization of international and regional seminars and symposia for experts on international law*

83. From the replies received from States it appears that topics chosen for such seminars and symposia range from general studies on trends in international law development to specific topics such as the environment, focusing on the special needs of developing countries, and the law of the sea, as specified in the submissions below.

84. China expected to host in Beijing, between 12 and 14 August 1991, a Symposium on Developing Countries and International Environmental Law. The purpose of the Symposium was to study the special needs of developing countries in the area of international environmental law and to strengthen the mutual understanding and cooperation between developing and developed countries so as to promote the international environmental law-making process and environmental protection, and to facilitate the progressive development of international law and its codification in general. The Chinese Government also planned to host, at an appropriate time in 1992, an international symposium on the third world and international law. The topic was also on the agenda of the annual conference of the Chinese Society of International Law, as was the question of the teaching, study, dissemination and wider appreciation of international law and the question of the peaceful settlement of disputes and the International Court of Justice.

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* Under paragraph 4 of this section of the Programme, the United Nations system of organizations, regional organizations and States should consider organizing seminars, symposia, training courses, lectures and meetings and undertaking studies on various aspects of international law.

85. Romania indicated that government institutions, in conjunction with non-governmental associations, had organized three series of lectures on international human rights. Moreover, Romanian non-governmental organizations such as the Association of International Law and International Relations (ADIRI); the United Nations Association of Romania (ANUROM); the Romanian Association of Humanitarian Law; and Central and Departmental Lawyer's Associations, had organized activities including seminars, round tables and meetings for scientific communications all related to the Decade.

86. Turkey noted that work was being undertaken at Bilkent University concerning a seminar on transboundary waters.

87. Yugoslavia stated that the Yugoslav International Law Association expected to organize a workshop on the subject "Trends in International Law Development in the 1990s". The workshop would most likely be held in autumn 1991, with expected participation by leading Yugoslav international law experts. The presented papers would be published by the Yugloslav International Law Review, which had been coming out as the Association's magazine since 1954. The Yugoslav International Law Association would participate - through its experts sitting on one of the International Committees of the International Law Association - in all of the latter's activities, particularly in the elaboration of a Project on economic sanctions as a method of a peaceful settlement of disputes.

88. As foreseen in paragraph 4 of section IV of the Programme for the activities to be commenced during the first term (1990-1992) of the Decade, a Course on the Law of the Sea was organized at Dubrovnik, from 3 to 8 June 1991. The topic of the course, organized in the Inter-University Centre of Post-Graduate Studies, was a comparison between the global and regional approach to various law of the sea issues. The solutions provided for in the 1982 United Nations Convention on the Law of the Sea were compared with the relevant rules and activities in the Mediterranean, the Adriatic Sea, the Black Sea, the Southern Ocean, the South China Sea, the North Sea and the Persian/Arab Gulf. Thirty participants (students and research persons) came from Brazil, China, Indonesia, the Islamic Republic of Iran, Italy, Malaysia, the Netherlands, the Philippines, the Union of Soviet Socialist Republics, Viet Nam and Yugoslavia. The Course Directors were A. H. Ijlstra (Netherlands Institute for the Law of the Sea - Utrecht) and B. Vukas (Faculty of Law, University of Zagreb).

89. A number of organizations have organized symposia, colloquia and meetings on topics of international law in areas of their competence, as shown below.

90. ICAO pointed out that, in order to commemorate a number of landmarks in its history, in particular, 1994 which marks the fiftieth anniversary of the adoption of the Chicago Convention and to stimulate the involvement of the ICAO member States in the international legal work of the Organization and in keeping within the objectives of the Decade, the Council of ICAO has agreed to the holding of a minimum of three regional seminars in the triennium 1992 to 1994, together with a conference with world-wide participation to be held at

Montreal which, if possible, would utilize the expertise and facilities available in other organizations and institutions at Montreal.

91. The Council of ICAO also stressed that one useful method of promoting the Decade would be through an extension of current United Nations international law programmes by increasing the frequency of UNITAR regional seminars, the direct funding by the United Nations of fellowships to the International Law Seminar held annually at Geneva and by placing greater emphasis on international law subjects in the programme of the United Nations University.

92. The European Community pointed out that it organized and supported the organization of a large number of conferences, seminars, symposia and other forums for the dissemination of knowledge, not only on European law but on public international law as well.

93. The European Space Agency (ESA) stated that in 1989 a new Centre, the European Centre for Space Law (ECSL), had been established in Paris under the auspices of ESA to promote study and research in space law matters in Europe. From 1989 to 1991 ECSL had supported two lectures, two colloquia, a workshop and a seminar on space law. The following seminars and colloquia had been planned:

(a) In June 1991, ECSL organized a training on the use of ESALEX in Paris;

(b) In September 1991, ECSL would co-organize a seminar on the effects of the CEC Green Paper on Satellite Communications on the European Satellite Market at Noordwijk with the Netherlands NPOC. In October 1991, ECSL supports a conference on "L'exploitation commerciale de l'espace-droit positif, droit prospectif" at Dijon, France, organized by the Centre de Recherche sur le Droit des Marches et des Investissements Internationaux;

(c) In November 1991, ECSL would organize a "follow-up" workshop on legal protection of satellite data in Paris;

(d) In December 1991, ECSL would co-organize a workshop on WARC 1992 and the European interests.

93a. At the inaugural General Meeting of ECSL the Members had decided to adopt research items for future workshops of ECSL: including the "Protection of satellite products derived from Earth observation". The following research items had also been proposed:

(a) "The protection of intellectual property rights (patents) in outer space";

(b) "Application of the outer space treaties in Europe";

(c) "Legal aspects of transfer of technology in space activities";

(d) "Legal and institutional aspects of European space integration".

94. The International Astronautical Federation (IAF) recalled that the International Institute of Space Law (IISL) held every year, under the scope of the IAF International Astronautical Congresses, an International Colloquium on the Law of Outer Space and published the submitted reports and other materials in Proceedings from those colloquia. Moreover, together with the International Academy of Astronautics (IAA), the IISL held on a biennial basis Round tables dealing with selected topics of common interests for scientists, technologists and lawyers. During the sessions of the COPUOS Scientific and Technical Subcommittee, the IAF held, jointly with the COSPAR, symposia on the themes fixed by COPUOS for special attention.

95. The Office of Ocean Affairs and the Law of the Sea stated that, in cooperation with UNDP, it had organized meetings of national experts, one in 1990 at Brazzaville and another in 1991 at Montevideo, on the Law of the Sea for the Zone of Peace and Cooperation of the South Atlantic. The Office had also co-sponsored an International Meeting of Legal Experts on Latin America and the United Nations Convention on the Law of the Sea at Santiago in 1991.

96. UNCITRAL recalled that it had undertaken to organize regional seminars on international trade law for the purpose of promoting the knowledge of the work of the Commission, primarily in developing countries, with a view to the adoption and use of its texts by those countries. The next regional seminar would be held jointly with the South Pacific Bureau for Economic Cooperation at Suva, Fiji, from 21 to 25 October 1991.

97. The Institute of International Law indicated that it planned to discuss at its next session (26 August-3 September 1991) the following topics:

(a) The question of the peaceful settlement of disputes;

(b) The teaching of international law;

(c) The autonomy of the will of the parties in international contracts between private individuals;

(d) The recent aspects of the immunity of States from jurisdiction;

(e) The international sale of works of art from the standpoint of protection of the cultural heritage;

(f) Non-appearance before the International Court of Justice.

98. The International Committee of the Red Cross (ICRC) drew attention to the fact that the twenty-sixth International Conference of the Red Cross and the Red Crescent would be held at Budapest from 29 November to 6 December 1991. The agenda for that meeting would include a number of issues concerning the problem of enhanced observance of international law. It was anticipated that the debates would make a useful contribution to the strengthening of the international legal order.

99. The International Council of Environmental Law (ICEL) pointed out that a workshop on "Insurability of Environmental Risk in Europe" had been held at Brussels on 13 and 14 June 1988. ICEL had cooperated with IUCN, OECD and the Comité Européen des Assurances in the organization of the workshop. Over 50 specialists had attended, including lawyers, insurers and brokers. More recently, in May 1991, ICEL had been one of the sponsors of and participants in a Conference on International Law and the Environment held at Florence under the auspices of the Italian Supreme Court of Appeal.

100. The International Institute of Humanitarian Law noted that it had been paying special attention to the establishment of a dialogue on humanitarian issues, aimed at avoiding armed conflict situations. To that end, the Institute had organized meetings with Eastern European countries, Western countries, Arab countries and Asian countries. The issues discussed included the protection of refugees and displaced persons, the respect of human rights and the implementation of international humanitarian law in general.

101. The following meetings were planned for 1991: a meeting at Bucharest in June with European countries, the United States and Canada, a meeting in Jordan in autumn and a meeting at Manila in November.

102. The Hague Academy of International Law pointed out that it would organize a new colloquium during 1992 on "The current and future role of the Security Council in the field of peace-keeping and international security", as it had done earlier in 1985 on the occasion of the fortieth anniversary of the signing of the Charter of the United Nations, with a colloquium on "The adaptation of the structures and methods of the United Nations" at Nijohff in 1985.

4. Training in international law for legal professionals and government officials organized by States and international organizations*

103. In the area of training for legal professionals and government officials, the replies from the various organizations indicate that certain activities have been undertaken through seminars and courses on specific topics and briefings, on-the-job training and scholarships, as described in the specific submissions below.

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* Under paragraph 5 of this section of the Programme, States are encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries. The United Nations Institute for Training and Research, the United Nations Educational, Scientific and Cultural Organization, the Hague Academy of International Law and regional organizations are invited to cooperate in this respect with States.

104. ILO noted that it provided considerable training in ILO standards, in particular to representatives of Governments and of employers' and workers' organizations. That was done through educational materials and through a widespread system of seminars. Relations were also maintained with international law teachers in universities and other academic institutions and ILO officials conducted seminars and briefings on international organizations law and practice as well as writing articles on questions touching upon international law in the ILO International Labour Review and external reviews.

105. IMO noted that the International Maritime Law Institute had been established by IMO in collaboration with the Government of Malta as an answer to the need for training lawyers advising national maritime administrations of developing countries on the implementation of IMO treaties and recommendations into national legislation. It provided some 20 students at a time with a comprehensive course in international maritime law lasting for one full academic year. The Institute had completed its second course in June 1991. The Institute's course structure included a module dealing with the international machinery for the progressive development and codification of international maritime law. The course focused mainly on the implementation of international law requirements and the preparation of legislation and legal texts in the field of merchant shipping.

106. WIPO observed that its training activities were meant to provide or enhance professional skills and capacities for the effective administration and use of the intellectual property system. Training, in various forms, was given to government officials and personnel from the technical, legal, industrial and commercial sectors. One form of training consisted of study attachments abroad and on-the-job supervision by international experts. That form of training had been given, in 1990, by nearly 100 international experts deployed for varying periods of time in developing countries.

107. Training was also provided in the form of courses, study visits, workshops and seminars. In line with the wish of member States which were developing countries, most of such events were organized by WIPO in developing countries. During 1990, a total of about 150 such events had been organized at the national, subregional, regional and global levels. They had provided knowledge of industrial property or copyright, including the relevant rules of international law embodied in the treaties in the field of intellectual property administered by WIPO. Most of that kind of training had taken place in developing countries themselves and had allowed large numbers of people from the government and private sectors of those countries to learn about the subject of intellectual property as developed in the treaties administered by WIPO. In 1990, 43 developing countries and five intergovernmental organizations had hosted or co-organized (with WIPO) those events. Over 5,000 men and women from those countries and organizations had attended as participants.

108. IAEA pointed out that in March 1991, it had organized a training course on Nuclear Law and Safety Regulation for Lawyers and Administrators from member States of the African Region, at Nairobi. The main objectives of the

course had been to enhance participants' knowledge of international nuclear law with special reference to activities in respect of which domestic legislation were required. Particular attention had been devoted to assisting States of the Region to establish and further develop a comprehensive legislative framework for radiation protection and nuclear safety. The course had also aimed at establishing links among government authorities and institutions concerned with nuclear law in the countries of the Region in order to facilitate cooperation among them.

109. The Council of Europe noted its willingness to cooperate with States wishing to organize courses on various aspects of international law and also noted that it regularly received a number of trainees who were able to participate for a given period of time in the work of the organization.

110. The European Centre for Space Law of the European Space Agency indicated that it had three bursaries available per year for students pursuing post-graduate studies in space law. The aim of the bursaries was to promote advanced study of space law in Europe. It was expected that the results of the sponsored studies would be published in a Centre publication.

111. The Office of Ocean Affairs and the Law of the Sea stressed that the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, launched in accordance with General Assembly resolution 35/116 of 10 December 1980, had as its primary objective the provision of facilities for successful candidates to carry out post-graduate level study or research and training in the law of the sea, its implementation and related marine affairs. The fellowship programme was administered by the Office. During 1990-1992 two fellowships had been awarded to candidates from developing countries. The Office further conducted two seminars in 1990 and 1991 on the law of the sea and integrated ocean management as part of the Programme for Graduate Student Interns of the Department of Public Information of the Secretariat.

112. The International Institute of Humanitarian Law pointed out that it organized regular courses for military personnel on the implementation of international humanitarian law and law of war in armed conflict situations. Each year the Institute organized regular courses in English, French and Spanish for officers of the armed forces. The courses were directed by a director with the help of class leaders from different countries. Each course lasted two weeks and the profile was very pragmatic. The courses were organized with the support of ICRC.

113. In the field of refugee law, the Institute organized regular courses for governmental officials responsible at the national level for the protection of refugees in cooperation with UNHCR. The courses were also very pragmatic and the method of work mainly consisted of workshops that analysed concrete refugee situations.

114. In cooperation with the United Nations Centre for Human Rights, the Institute started two years ago to organize human rights courses for

governmental people from different regions of the world. A course had been organized for the Latin American countries and another course had been organized in 1991 for the French-speaking African countries.

115. The International Union for Conservation of Nature and Natural Resources expressed the view that a crucial part of promoting the development of international environmental law was through the exchange of information through workshops and seminars. A series of such exchanges was planned in the coming years, especially for lawyers and administrators in developing countries. In late 1991, a seminar was planned for participants from English-speaking African States on biological diversity conservation and international law. It would parallel a similar seminar already held by the Law Centre for participants from French-speaking African States. In early 1992, at the IUCN IV World Parks Congress in Venezuela, the Law Centre would host a workshop on area-based conservation law for the participants of the Congress.

116. The International Court of Arbitration of the International Chamber of Commerce reported that the ICC Institute of International Business Law and Practice had developed for the use of developing countries a 10-year training programme for executives involved in international trade. The Court, on the other hand, while fully guaranteeing the confidentiality of the cases, welcomed trainees from numerous countries.

5. Publication of the practice of States, international and regional organizations in the field of international law*

117. Austria noted that its Repertory of Practice, as referred to in paragraph 7 of section IV, was regularly published as part of the Austrian Journal of Public and International Law.

118. The information contained in the several replies from international organizations indicate that their practice is published in the form of reports, legal series, case law series, bulletins and special journals and are also available as computerized databases as can be seen from the specific submissions below.

119. ILO stated that it published each year the reports of the examination of the application of ratified Conventions by the Committee of Experts as Report III (Part 4) to the International Labour Conference. The proceedings of the Conference in that regard were published in its Record of Proceedings (reports of the Committee on the Application of Standards). Reports of the

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* Under paragraph 7 of this section of the Programme, States, regional and other international organizations should endeavour to publish summaries, repertories or yearbooks of their practice.

Governing Body Committee on Freedom of Association were published in the Official Bulletin and periodically in the Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of ILO. In-depth examination of a certain subject was published each year in a "general survey" carried out by the Committee of Experts on the Application of Conventions and Recommendations, and published as Report III (Part IV (B)) to the International Labour Conference.

120. IAEA observed that, in accordance with its statutory requirements, it had published, since 1959, a special LegaL Series containing legal materials relevant to the work of the Agency, including international agreements registered with the Agency. The Series are distributed to all member States of the Agency, depositary libraries worldwide, and can be purchased from the Agency. The latest volume of the Legal Series, No. 15, "Bilateral, Regional and Multilateral Agreements Relating to Cooperation in the Field of Nuclear Safety", had been published in 1990.

121. The Council of Europe pointed out that the recommendations or resolutions of the Committee of Ministers and the Parliamentary Assembly were published together with any explanatory memoranda or reports.

122. The official series of judgements of the European Court of Human Rights were widely distributed and the decisions of the Commission of Human Rights were published in a case law series. The Council of Europe had also published the Stock-taking on the European Convention on Human Rights and yearly supplements. Human rights files dealt with certain specific human rights topics, some documents were also translated into non-official languages of the Council of Europe.

123. In 1982 the Council of Europe had set up an information centre on human rights. The centre had been enlarged to meet the growing interest in human rights. The aim of the centre was to inform the public of the human rights activities of the Council of Europe, in particular the human rights case law. Case law was available on databases which were open to direct on-line access.

124. The European Community indicated that community law (not only regulations and guidelines, but also international treaties) was regularly published in nine languages in the Official Journal of the European Communities. In addition, all of the decisions and case law of the Court of Justice of the European Communities (judgements, court orders and conclusions of advocates general) were published in the Reports of Cases before the Court and the Digest of case-law relating to the European Communities. Community legislation was also listed in the Directory of Community legislation in force and other acts of the Community institutions. European Community law was thus available to any one interested in the subject. The Commission had even made available to the public databases on the status of Community legislation and case law: CELEX, the Interinstitutional Computerized Documentation System for European Community Law, had been created in 1970 and opened to the public in 1981. The Commission was the producer and official supplier of CELEX. However, the data were generated by the various institutions of the European Community: the Commission, the Council, the European Parliament, the Court of

Justice, the Economic and Social Committee and the Court of Auditors. CELEX covered Community law in its entirety, i.e. not only legislation but also travaux préparatoires (opinions, proposals, resolutions, etc.), the case law of the Court, parliamentary issues and references to national provisions for the execution of Community guidelines. CELEX was currently available to the public in seven languages (French, English, German, Norwegian, Italian, Danish and Greek). Eventually, the database would be accessible in all official Community languages.

125. The International Energy Agency observed that it had undertaken the publication of its constituent documents, the Agreement on an International Energy Programme and the Decision of the OECD Council Establishing an International Energy Agency of the Organization. Those instruments had been published in International Legal Materials which had also published typical examples of International Energy Agency Research and Development Implementing Agreements. The Procedures for Arbitration and Additional Rules for the International Energy Agency Disputes Settlement Centre had also been published in International Legal Materials.

126. UNEP indicated that it compiled information on national environmental law and administrations in all United Nations Member States in the form of standardized "country profiles". UNEP had also published a collection of texts of "Selected Multilateral Treaties in the Field of the Environment", the second volume of which was expected to be released in 1991, as well as a "Directory of Principal Governmental Bodies Dealing with the Environment". Database systems on national legislation and institutional arrangements had also been developed. In particular, within the framework of the UNEP INFOTERRA information network, an agreement concluded in 1984 with the Environmental Law Centre of the International Union for Conservation of Nature and Natural Resources ensured the rapid supply of national legislative information upon request, especially for users from developing countries.

127. The International Council of Environmental Law observed that it maintained an extensive documentation collection at Bonn in partnership with the Environmental Law Centre of IUCN and the World Conservation Union. The documentation was kept in a computerized information system (the Environmental Law Information System (ELIS)) which was unique in environmental legal information systems. ELIS was a special sectoral source (SSS) for INFOTERRA, the UNEP information referral service. The Council also sponsored a Journal entitled Environmental Policy and Law and the monthly Environmental Notes for Parliamentarians, which both highlighted current developments in international environmental law.

128. The United Nations Centre on Transnational Corporations pointed out that it had maintained a collection of bilateral investment treaties based on the United Nations register of treaties, as well as on information provided by Governments. That collection was now being expanded to cover other bilateral treaties relating to, or significant for, foreign direct investment relations, such as bilateral treaties for the avoidance of double taxation, bilateral guarantee agreements, etc. A list of bilateral investment treaties signed up to mid-1990 would be published shortly.

129. The Office for Ocean Affairs and the Law of the Sea indicated that it issued a Law of the Sea Bulletin three or four times a year, providing current topical information on national legislation, bilateral and multilateral agreements, and other developments. The Office published a series of studies aimed at creating a better understanding of the negotiating history and legislative development of the provisions of the Convention covering subject areas that were of particular interest.

130. The Office also published a series of studies covering State practice relating to the Convention. One or two such publications were issued each year. During the period 1990-1992, a third volume in the series on current State practice would be published in addition to a compilation of legislation on archipelagic states, and two volumes of compilations of maritime boundary agreements. Also a repertory of international agreements relating to the protection of the marine environment had been published during the 1990-1991 period. Further, the Office continued to publish annually a compilation of important documents in the Annual Review of Ocean Affairs: Law and Policy, Main Documents and the annual Bibliography on the Law of the Sea.

6. Wider publication of the judgments and advisory opinions of the International Court of Justice*

131. The International Court of Justice observed that the preparation of analytical summaries of the Court's judgments and advisory opinions was a regular task of the Registry and was performed for public information purposes so that a mimeographed summary appeared simultaneously with the public delivery of each such decision. It would be a simple matter to supply for publication a set of all such summaries, each in English and French, dating back to 1949, and to supplement it with future summaries as they appear. It would not, however, be possible within the existing level of appropriations for the Court itself to undertake their publication.

132. A fortiori, it would not be financially possible at present for the Court or its Registry to undertake new thematic summaries. The Court's jurisprudence had of course been analysed thematically in numerous academic studies, but the advantages of a uniform, comprehensive and up-to-date set of analyses on thematic lines could well be imagined. Such a project, however, if undertaken at the Court, must imply the assignment of more staff to

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* According to paragraph 8 of this section of the Programme, it would be conducive to the teaching and dissemination of international law of all judgments and advisory opinions of the International Court of Justice were available in all official languages of the United Nations. This question is to be dealt with in more detail in the report of the Secretary-General on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

research: not only jurists but auxiliary personnel. That, unfortunately, could not be done with the resources and accommodation of the existing establishment, given the unprecedented number of pending cases which call for specific research that must be given priority over more general scholarship.

7. Wider publication of the judgements and advisory opinions of other international courts and tribunals and summaries thereof*

133. All decisions of the Court of Justice of the European Communities are published in the "Reports of cases before the Court" and the "Digest of case-law relating to the European Communities". Moreover, a synopsis of the work of the Court of Justice and - since 1989 - of the Court of First Instance of the European Communities is published for information only. The case law is also available on the CELEX database.

134. The European Court of Human Rights stated that the judgements and decisions of the Court appeared in French and English in Series A of the publications of the court, published by Carl Heymanns Verlag KG (Cologne), which also disseminated it throughout the world. To date, 186 volumes had been published. A provisional mimeographed version of the judgements was sent free of charge to a large number of university law institutes and professors and to some public libraries. The Clerk's Office provided an unofficial transalation of the judgements rendered in cases concerning States which were parties to the European Convention for the Protection of Human Rights and Fundamental Freedoms and in which neither French nor English was spoken. Since 1 January 1982, the Clerk's Office had drafted a summary for each judgement, which appeared as the preface to each publication but was not binding on the Court.

135. The Clerk's Office prepares yearly compilations of summaries, which were sometimes translated into languages other than the Court's official languages. For each case, the Clerk's Office normally prepared several press releases relating to the various stages of the proceeding: the final one always provided a summary of the judgement, which was not binding on the Court. These press releases, which were intended mainly for journalists, were also sent to many persons wishing to be kept promptly informed of the Court's activities.

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* Under paragraph 9 of this section of the Programme, other international courts and tribunals are invited to disseminate more widely their judgements and advisory opinions, and to consider preparing thematic or analytical summaries thereof.

8. Publication by international organizations of treaties concluded under their auspices, publication of the United Nations Treaty Series and Juridical Yearbook*

136. The replies received from international organizations indicate that treaties concluded under their auspices are regularly published in their own official documents or treaty series described by them as shown below. There is also evidence of efforts to make information contained in such publications more accessible through computerization.

137. ILO indicated that newly adopted Conventions and Recommendations were published in the Proceedings of the International Labour Conference and in the Official Bulletin, and were compiled periodically in ILO publications.

138. IAEA noted that it published Information Circulars reproducing the texts of agreements concluded by the Agency or under its auspices, and other information of a legal nature, including safeguards, regional cooperation and project agreements. The texts of the agreements were also published in the Legal Series of the Agency.

139. The Council of Europe stated that its treaties were published in the different volumes of the European treaty series with an index. In addition the treaties were published separately in a bilingual text (English and French) and in English or in French together with the explanatory report.

140. The Environmental Law and Institutions Unit of UNEP noted that it published in booklet form the texts of all agreements, guidelines and principles developed under its auspices.

141. The United Nations Secretariat has made concerted efforts to eliminate the backlog which has arisen in the publication of volumes of the United Nations Treaty Series and hopes to eliminate the backlog completely in the foreseeable future. As a result of these efforts, it may be noted that, since 1 January 1991, no less than 45 volumes of the Treaty Series have been published. In addition to the programme of elimination of the backlog, the Secretariat has now embarked upon a programme of computerization of the Treaty Series. As a first step, it is finalizing a database which will contain all relevant data on all treaties registered with the United Nations, including those which are not yet included in the published volumes of the Treaty Series. The Secretariat hopes to have the database in place by the end of 1992 and intends to link it with one of the major legal information

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* Under paragraph 10 of this section of the Programme, international organizations are requested to publish treaties concluded under their auspices, if they have not yet done so. Timely publication of the United Nations Treaty Series is encouraged and efforts directed towards adopting an electronic form of publication should be continued. Timely publication of the United Nations Juridical Yearbook is also encouraged.

systems. The users will then be able to obtain up-to-date information on treaties through on-line access to the database, rather than by addressing inquiries to the Treaty Section. This will greatly facilitate the use of the data accumulated at the United Nations as it will speed up the work of the Treaty Section. By data relating to treaties, the Secretariat means all the statistical data rather than the actual text of treaties, the inclusion of which is not yet possible at the present stage for financial and technical reasons. In addition to the computerized database, the Secretariat is now exploring the possibility of putting the entire content of the published volumes of the Treaty Series on CD-ROM disks. Such an effort is clearly warranted since no library, private or public, could efficiently handle the 1,500 volumes of the Treaty Series which will be on the shelves by 1992. The introduction of CD-ROM disks will thus greatly facilitate the use of the Treaty Series.

142. Publication of the United Nations Juridical Yearbook has been resumed after an interruption owing to the financial crisis. The 1982, 1983 and 1984 editions came out in 1989, 1990 and 1991, respectively. The 1985 edition is in the press. The calendar of production of subsequent editions provides for the submission of the 1990 edition in the course of 1991, the 1986 and 1991 editions in 1992, the 1987 and 1992 editions in 1993, the 1988 and 1993 editions in 1994 and the 1989 and 1994 editions in 1995. This calendar, under which work proceeds simultaneously at both ends, will make it possible to bridge the gap and eliminate the backlog by the end of 1995, while at the same time keeping readers of the Yearbook abreast of contemporary developments.

E. Procedures and organizational aspects

1. Establishment of national, subregional and regional committees for implementation of the Programme*

143. As the replies from States show, most States have not so far considered it necessary to establish national committees for the implementation of the Programme of the Decade. However, three countries, Mexico, Romania and Uruguay, established such committees.

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* Under paragraph 4 of this section of the Programme, States are encouraged to establish, as necessary, national, subregional and regional committees which may assist in the implementation of the programme for the Decade.

2. The question of the provision of adequate financing for the implementation of the Decade Programme*

144. One State indicated that its economic situation prevented it, at this time, from making a financial contribution to facilitate the implementation of the Programme.

145. The International Astronautical Federation (IAF) stated that, while it as was ready to continue its close cooperation with the United Nations in the attainment of the purposes of the Decade by encouraging the progressive development of international law of outer space, it could not reply to the appeal to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme, for IAF did not enjoy any financial support from Governments and its budget depended on rather modest contributions of its member societies or institutions.

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* Under paragraph 5 of this section of the Programme, it is recognized that, within the existing overall level of appropriations, adequate financing for the implementation of the programme for the Decade is necessary and should be provided. Voluntary contributions from Governments, international organizations and other sources, including the private sector, would be useful and are strongly encouraged. To this end, the establishment of a trust fund to be administered by the Secretary-General might be considered by the General Assembly.

III. ACTIVITIES OF THE UNITED NATIONS RELEVANT TO THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION

A. The law relating to human rights

146. Several United Nations bodies deal with the progressive development of international law and its codification in the area of human rights. The bodies whose activities are summarized below are the Commission on Human Rights (and its Subcommission on Prevention of Discrimination and Protection of Minorities), the Commission on the Status of Women and the Committee on Crime Prevention and Control, all of which are subsidiary bodies of the Economic and Social Council.

147. Most of the international instruments on the law relating to human rights have been adopted by the General Assembly on the recommendation of the Third Committee, dealing with social, humanitarian and cultural matters. Usually, drafts of the instruments are transmitted to the General Assembly by the Economic and Social Council, after having been elaborated by one of the above-mentioned bodies.

148. A number of human rights instruments have, however, been adopted either by the General Assembly on the recommendation of the Sixth (Legal) Committee, or by a conference of plenipotentiaries convened by the Economic and Social Council or the General Assembly, 10/ or by a United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Commission on Human Rights

149. The Commission on Human Rights was established in 1946 to, inter alia, submit proposals, recommendations and reports to the Council regarding declarations or conventions on various human rights issues.

150. The Commission has drafted several major human rights instruments adopted by the General Assembly. It has often been assisted in that task by the Subcommittee on the Prevention of Discrimination and Protection of Minorities. In addition to the instruments on which drafting or studies were done by the Subcommittee, as discussed below, the Commission on Human Rights itself elaborated drafts of the following instruments: the Universal Declaration of Human Rights (resolution 217 A (III) of 10 December 1948); the International Convenant on Economic, Social and Cultural Rights (resolution 2200 A (XXI) of 16 December 1966); the International Covenant on Civil and Political Rights (resolution 2200 A (XXI) of 16 December 1966); the Declaration on Territorial Asylum (resolution 2312 (XXII) of 14 December 1967); the International Convention on the Suppression and Punishment of the Crime of Apartheid (resolution 3068 (XXVIII) of 30 November 1973); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 39/46 of 10 December 1984); and the Convention on the Rights of the Child (resolution 44/25 of 20 November 1989).

151. With respect to the related question of war crimes and crimes against humanity, the Commission drafted the Convention on the Non-Applicability of Statutory Conventions to War Crimes and Crimes against Humanity (resolution 2391 (XXIII) of 26 November 1968) and the Principles of International Cooperation in the Detection, Arrest, Extradition and Punishment of Persons Guilty of War Crimes and Crimes against Humanity (resolution 3074 (XXVIII) of 3 December 1973). On issues related to this topic, further work has been undertaken by two other bodies, namely, the Sixth Committee which drafted the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly (resolution 260 A (III) of 4 December 1948) and the International Law Commission, which recently adopted, on first reading, a drat Code of Crimes against the Peace and Security of Mankind. (See sections III.I and J, below.)

Subcommission on Prevention of Discrimination and Protection of Minorities

152. This body of experts was established in 1947 as a subsidiary organ of the Commission on Human Rights. Its functions are primarily to underake studies and to make recommendations to the Commission on Human Rights concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities.

153. A number of studies have been undertaken by the Subcommission. Some of them have served as a basis for the elaboration by a competent body of a number of important instruments subsequently adopted by the General Assembly, such as: the United Nations Declaration on the Elimination of All Forms of Racial Discrimination (resolution 1904 (XVIII) of 20 November 1963); the International Convention on the Elimination of All Forms of Racial Discrimination (resolution 2106 A (XX) of 21 December 1965); the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (resolution 36/55 of 25 November 1981); the Declaration on the Human Rights of Individuals who are not Nationals of the Country in which They Live (resolution 40/144 of 13 December 1985); the Declaration on the Right to Development (resolution 41/128 of 4 December 1986); the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (resolution 43/173 of 9 December 1988) (see sect. III.I, below); the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (resolution 44/128 of 15 December 1989); the Guidelines for the Regulation of Computerized Data Files (resolution 45/95 of 14 December 1990); the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families (resolution 45/158 of 18 December 1990). Studies of the Subcommission were also taken into account for the elaboration of legal instruments adopted by other bodies and organizations, such as the UNESCO Convention against Discrimination in Education (1960), 11/ or the Basic Principles on the Role of Lawyers adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990. 12/

154. The Subcommission also elaborated a draft body of principles and guarantees for the protection of mentally ill persons and for the improvement of mental health care, which was reviewed by the Commission on Human Rights and, on its recommendation, submitted by the Economic and Social Council to the General Assembly for consideration and adoption at its forty-sixth session under the slightly amended title "Draft body of principles for the protection of persons with mental illness and for the improvement of mental health care".

155. Currently, a number of studies are being undertaken by certain members of the Subcommission, acting as Special Rapporteurs, on a variety of subjects. The Subcommission is, in particular, preparing a draft universal declaration of indigenous rights to be completed at its next session, and a draft declaration on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country. The Subcommission completed in 1990 the preparation of a draft declaration on the protection of all persons from enforced or involuntary disappearances, which was transmitted to the Commission on Human Rights. The Commission will consider the draft with a view to its adoption at the forty-eighth (1992) session of the Commission. The Commission is also currently working on a draft declaration on the rights and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms on the basis of a study and draft body of principles elaborated by the Subcommission. The Commission is also working on a draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, taking into account the work of the Subcommission on the topic.

156. Plans for the future work of the Subcommission include the question of the right to a fair trial and human rights and the environment. As for the Commission on Human Rights, it is presently considering the question of the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to establish a system of visits to places of detention. 13/

Commission on the Status of Women

157. The Commission on the Status of Women was established by the Economic and Social Council in 1946 to, inter alia, prepare recommendations and reports to the Council on promoting women's rights in various fields.

158. In addition to numerous resolutions adopted by the Economic and Social Council, the Commission has prepared drafts of several major instruments on women's rights adopted by the General Assembly. These include: the Convention on the Political Rights of Women (resolution 640 (VII) of 20 December 1952); the Convention on the Nationality of Married Women (resolution 1040 (XI) of 29 January 1957); the Conventon on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (resolution 1763 A (XVII) of 7 November 1962); the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (resolution 2018 (XX) of 1 November 1965); the Declaration on the Elimination of Discrimination

against Women (resolution 2263 (XXII) of 7 November 1967); the Declaration on the Protection of Women and Children in Emergency and Armed Conflict (resolution 3318 (XXIX) of 14 December 1974); the Convention on the Elimination of All Forms of Discrimination against Women (resolution 34/180 of 18 December 1979).

159. The Commission also prepared the draft of the Nairobi Forward-looking Strategies for the Advancement of Women 14/ to the Year 2000, which, inter alia, highlights areas in which women's rights need to be further developed. One such issue is violence against women. On the recommendation of the Commission on the Status of Women, the Economic and Social Council adopted at its first regular session of 1991, a resolution recommending the development of an international instrument on the issue of violence against women (Economic and Social Council resolution E/1991/18 of 30 May 1991).

Committee on Crime Prevention and Control

160. In 1950, an Ad Hoc Advisory Committee of Experts was established which was later renamed Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, replaced in turn in 1971 by the Committee on Crime Prevention and Control. The Committee is, inter alia, responsible for the preparation of the quinquennial United Nations Congresses on the Prevention of Crime and the Treatment of Offenders and plays an important role in the elaboration of legal instruments in its field of competence.

161. Such instruments, subsequently adopted either by the Economic and Social Council or by the Crime Prevention Congresses, or transmitted by them to the General Assembly for adoption include: the Standard Minimum Rules for the Treatment of Prisoners (adopted by the First Congress and approved by the Economic and Social Council in its resolution 663 C (XXIV) of 31 July 1957); the Code of Conduct for Law Enforcement Officials (adopted by the General Assembly in its resolution 34/169 of 17 December 1979); the Safeguards guaranteeing protection of the rights of those facing the death penalty (approved by the Economic and Social Council in its resolution 1984/50 of 25 May 1984); the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General Assembly resolution 40/33 of 29 November 1985); the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (adopted by the General Assembly in its resolution 40/34 of 29 November 1985); the Basic Principles on the Independence of the Judiciary (adopted by the Seventh Congress and endorsed by the General Assembly in its resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985); the Principles of the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (annexed to Economic and Social Council resolution 1989/65 of 24 May 1989); the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) (adopted by the General Assembly in its resolution 45/110 of 14 December 1990); the Basic Principles for the Treatment of Prisoners (affirmed by the General Assembly in its resolution 45/111 of 14 December 1990); the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (adopted by the General Assembly in its

resolution 45/113 of 14 December 1990); the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by the Eighth Congress of 1990); 15/ the Basic Principles on the Role of Lawyers (adopted by the Eighth Congress of 1990). 16/ Future work, according to the mandate from the Eighth Congress, includes the question of pre-trial detention and the rights and duties of prisoners serving life sentences.

B. The law relating to disarmament

162. The United Nations body whose activities are relevant to the progressive development and codification of international law relating to disarmament, as briefly summarized in the present section, is the Conference on Disarmament.

163. There is no single pattern in the progressive development and codification of the law relating to disarmament. In a field such as disarmament which involves delicate matters of national, regional and international security, the initiative for elaborating a legal instrument must necessarily be taken by Governments. While some major disarmament agreements have been concluded on a bilateral or a regional basis outside the framework of the United Nations, other important multilateral agreements have been concluded undr the auspices of the United Nations.

164. The Conference on Disarmament is the single multilateral negotiating forum of the international community for matters relating to disarmament. 17/ Its membership consists of 40 States, including all five nuclear-weapon States (China, France, the Soviet Union, the United Kingdom and the United States). The Conference on Disarmament has a unique relationship with the General Assembly. It defines its own rules of procedure and develops its own agenda, taking into account the recommendations made by the General Assembly.

165. The Conference on Disarmament served as the negotiating body for the following treaties which were adopted by the General Assembly on the recommendation of the First Committee: Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and Ocean Floor and in the Subsoil Thereof (resolution 2660 (XXV) of 7 December 1970); Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (resolution 2826 (XXVI) of 16 December 1971); and Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (resolution 31/72 of 10 December 1976).

166. The Conference on Disarmament generally establishes ad hoc committees to undertake initial studies and preparatory work which may eventually provide the foundation for the elaboration of a legl instrument. At its 1991 session the Conference convened ad hoc committees to address the following subjects: chemical weapons; nuclear test ban; prevention of an arms race in outer space; radiological weapons; and effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. As indicated by the discussion which follows, the ad hoc committees are in various stages of the preparatory process which may lead to the final elaboration of a treaty or other legal instrument:

(a) The Ad Hoc Committee on Chemical Weapons is conducting, as a priority task, the negotiation of a multilateral convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction (CD/1058);

(b) The Ad Hoc Committee on Radiological Weapons is conducting negotiations on a convention prohibiting the development, production, stockpiling and use of radiological weapons (CD/1051);

(c) The Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear States against the Use or Threat of Use of Nuclear Weapons is conducting negotiations with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (CD/1050);

(d) The Ad Hoc Committee on a Nuclear-Test Ban has initiated, as a first step towards achieving a nuclear-test-ban treaty, substantive work on specific and interrelated test-ban issues, including the structure and scope of a possible agreement as well as questions of verification and compliance (CD/1060);

(e) The Ad Hoc Committee on the Prevention of an Arms Race in Outer Space continues to examine, and to identify, through substantive and general consideration, issues relevant to the prevention of an arms race in outer space (CD/1059).

C. The law relating to outer space

167. The work on the progressive development and codification of international law relating to outer space has been mainly carried out by COPUOS, as briefly summarized in the present section.

168. The draft instruments on outer space law elaborated by COPUOS are usually adopted by the General Assembly on the recommendation of the Special Political Committee. In the past, however, such instruments were frequently adopted by the General Assembly on the recommenation of the First Committee, or, exceptionally, without reference to a Main Committee.

Committee on the Peaceful Uses of Outer Space

169. COPUOS was established in 1959 to replace an Ad Hoc Committee on the Peaceful Uses of Outer Space established the previous year. One of the tasks of COPUOS is to study the nature of legal problems that may arise from the exploration of outer space. That function is discharged primarily within its Legal Subcommittee, established in 1962 as a subcommittee of the whole.

170. The Legal Subcommittee has prepared the drafts of the following legal instruments, approved by COPUOS and adopted by the General Assembly: the Treaty on Principles Governing the Activities of States in the Exploration and

Use of Outer Space, including the Moon and Other Celestial Bodies (resolution 2222 (XXI) of 19 December 1966); the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (resolution 2345 (XXII) of 19 December 1967); the Convention on International Liability for Damage Caused by Space Objects (resolution 2777 (XXVI) of 29 November 1971); the Convention on Registration of Objects Launched into Outer Space (resolution 3235 (XXIX) of 12 November 1974); and the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (resolution 34/68 of 5 December 1979).

171. The following sets of legal principles adopted by the General Assembly were also drafted by the Legal Subcommittee: the Draft Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space (resolution 1962 (XVIII) of 13 December 1963), which served as a basis for the elaboration of the above-mentioned 1966 Treaty; the Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting (resolution 37/92 of 10 December 1982); and the Principles Relating to Remote Sensing of the Earth from Outer Space (resolution 41/65 of 3 December 1986).

172. The Legal Subcommittee is currently completing its elaboration of a draft set of principles relevant to the use of nuclear-power sources in outer space. It is also continuing its consideration of matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.

173. In addition, a new item has been recently included in the agenda of the Legal Subcommittee, regarding the consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries.

D. The law relating to economic development

174. The United Nations bodies whose activities relevant to the progressive development and codification of international law, as briefly summarized in the present section, are UNCTAD, the Centre for Transnational Corporations and the United Nations Institute for Training and Research (UNITAR) with particular reference to its study on the progressive development of the principles and norms of international law relating to the new international economic order contained in the Charter of Economic Rights and Duties of States elaborated by UNCTAD.

The work of UNCTAD

175. Established as an organ of the General Assembly by resolution 1995 (XIX) of 30 December 1964, UNCTAD has, inter alia, been the forum for negotiation of a number of legal instruments in the area of economic development. Concrete

efforts to elaborate new rules for international trade was taken at the first UNCTAD Conference (UNCTAD I) in 1964 which set out important general principles such as preferential treatment to be given to developing countries by industrial States without reciprocity, stabilization of primary commodities export earnings and technical and financial assistance to developing countries. These have remained areas of continued work by UNCTAD at its various sessions outlined below.

176. At UNCTAD III, in 1971, a decision was made to undertake the elaboration of a legal instrument that would establish the basic norms of a restructured international economic system. On the basis of the two resolutions adopted by the sixth special session of the General Assembly, which contained, respectively, the Declaration on the Establishment of a New International Economic Order (General Assembly resolution 3201 (S-VI) of 1 May 1974) and the Programme of Action on the Establishment of the New International Economic Order (General Assembly resolution 3202 (S-VI) of 1 May 1974), UNCTAD took the lead in developing a new instrument. It also had before it the principles contained in the resolution of the seventh special session of the General Assembly containing a Declaration on Development and International Economic Cooperation (General Assembly resolution 3302 (S-VII) of 16 September 1975).

177. The work of UNCTAD resulted in the Charter of Economic Rights and Duties of States, adopted by the General Assembly in resolution 3281 (XXIX) of 12 December 1974 and characterized by the Assembly, in the said resolution, as an "effective instrument towards the establishment of a new system of international economic relations based on equity, sovereign equality and interdependence of interests of developed and developing countries".

178. Further studies on the economic rights and duties of States have been attempted elsewhere to elaborate on the principles contained in the 1974 Economic Charter. In response to General Assembly resolution 35/166 of 15 December 1980, UNITAR prepared an analytical study entitled "Progressive Development of the Principles and Norms of International Law relating to the New International Economic Order" (A/39/504/Add.1). 18/

179. Other efforts by UNCTAD in progressive development of international law and its codification in its area of competence resulted in a number of legal instruments, such as: the Convention on a Code of Conduct for Liner Conferences (1974) (TD/Code 11/Rev.1 and Corr.1) and two other conventions in the same area, namely the United Nations Convention on International Multimodal Transport of Goods (1980) (TD/MT/CONF.16), and the United Nations Convention on Conditions for Registration of Ships (1986) (TD/RS/CONF.19/Add.1).

180. On the question of stabilization of export earnings for developing countries, UNCTAD has also concluded a number of international commodity agreements based on membership of both consumer and producer States, which was a product-by-product approach. 19/ The disadvantage of that approach led UNCTAD in 1976 to adopt the Integrated Programme for Commodities which dealt with commodities in a global context (TD/Res.93(IV) of 30 May 1976). Eighteen

commodities are covered under the Integrated Programme. 20/ In 1980, UNCTAD concluded the Agreement Establishing the Common Fund for Commodities as an operational arm of the Programme (TD/IPC/CONF/L.15).

181. On the question of preferential treatment for developing countries, UNCTAD adopted in 1970 the Generalized System of Preferences designed as a framework within which developed countries are called upon to offer preferential treatment to developing countries, including special measures for the least developed countries (TD/B/330, annex I).

182. In the area of business practices, a conference, under the auspices of UNCTAD, elaborated a set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (A/C.2/35/6, annex).

183. In the area of transfer of technology, UNCTAD has been working on an International Code of Conduct on the Transfer of Technology (see TD/CODE/TOT/47).

The work of the United Nations Commission on Transnational Corporations

184. The United Nations Commission on Transnational Corporations was established in 1974 primarily to assist the Economic and Social Council in evolving a set of recommendations as a basis for a code of conduct dealing with transnational corporations and to develop a comprehensive information system on the activities of such corporations.

185. Its major work has been in the area of drafting a Code of Conduct on Transnational Corporations in which substantial work has been done towards conclusion (see E/1988/39/Add.1 and E/1990/94). The Commission is also considering the question of international standards on accounting and reporting (E/C.10/1991/12). In the context of the United Nations Conference on Environment and Development, the Commission is also undertaking an analytical study relevant to transnational corporations on questions such as internationally agreed standards and instruments in the area of environment and development, transfer of environmentally sound technologies to developing countries on favourable terms; international environmental management; prevention of environmental deterioration; and additional supportive measures (E/C.10/1991/3).

E. The law relating to international trade

186. The activities of UNCITRAL are the main sources of information on the present section.

187. UNCITRAL was established in 1966 by the General Assembly with the mandate to "further the progressive harmonization and unification of the law of international trade" by, inter alia, promoting wider participation in existing international conventions in the field of international trade law; preparing or promoting the adoption of new international conventions in that field;

promoting the codification and wider acceptance of international trade terms, provisions, customs and practices; promoting ways and means of ensuring a uniform interpretation and application of international conventions in the field of international trade law.

188. Towards the fulfilment of that mandate UNCITRAL has elaborated legal instruments in several areas of international trade law as briefly summarized below. Most of the instruments were adopted by a diplomatic conference convened by the General Assembly on the recommendation of the Sixth Committee, while a few were adopted by the General Assembly itself, without convening a diplomatic conference.

189. In the area of international sale of goods, UNCITRAL drafted the Convention on the Limitation Period in the International Sale of Goods (1974), 21/ and the United Nations Convention on Contracts for the International Sale of Goods (1980). 22/ Regarding the international transport of goods, UNCITRAL elaborated the United Nations Convention on the Carriage of Goods by Sea (the "Hamburg Rules") (1978) 23/ and the United Nations Convention on the Liability of Operators of Transport Terminals in International Trade (1991). 24/ In the area of international commercial arbitration and conciliation, the Commission adopted the UNICTRAL Arbitration Rules (adopted by General Assembly resolution 31/98 of 15 December 1976), the UNCITRAL Conciliation Rules (1980) (A/35/391 and Add.1) and the UNICTRAL Model Law on International Commercial Arbitration (1985). 25/ With regard to the New International Economic Order, UNCITRAL has adopted the UNCITRAL Legal Guide on Drawing Up International Conracts for the Construction of Industrial Works (1987). 26/ In the area of international payments, the Commission drafted the United Nations Convention on International Bills of Exchange and International Promissory Notes (adopted by General Assembly resolution 43/165 of 9 December 1988) and the UNCITRAL Legal Guide on Electronic Funds Transfers (1986). 27/ UNICTRAL has also drafted provisions on a universal unit of account and on adjustment of the limit of liability in international transport conventions 28/ and Uniform Rules on Contract Clauses for an Agreed Sum Due upon Failure of Performance. 29/

190. The Commission is currently working on a number of instruments. They include a legal guide on drawing up contracts in international countertrade transactions, a model law on international credit transfers, a model law on procurement and a uniform law on independent guarantees and stand-by letters of credit. The first two instruments are expected to be adopted by the Commission at the twenty-fifth session in 1992. The Commission is also currently considering the legal issues involved in the use of electronic means of communication for sending messages between partners in a commercial transaction with a view to possibly drafting uniform statutory provisions and a standard agreement between parties using electronic data interchange.

191. At its twenty-fourth session, the Commission decided to convene a Congress in New York from 18 to 22 May 1992 to consider the accomplishments achieved in the progressive unification and harmonization of international trade law during the past 25 years and the needs that could be foreseen for the next 25 years. 30/

F. The law relating to international drug control

192. The United Nations activities in the field of progressive development and codification of international law relating to international drug control, as briefly summarized in the present section, are those undertaken by the Commission on Narcotic Drugs.

193. The Commission on Narcotic Drugs was established by the Economic and Social Council in 1946 to, inter alia, prepare draft international conventions relating to the international control of narcotic drugs. In addition to numerous resolutions adopted by the Economic and Social Council, the Commission has prepared drafts of three major international treaties which govern the world-wide drug control system: the Single Convention on Narcotic Drugs (1961), 31/ which was amended by a Protocol 32/ in 1972, 33/ the Convention on Psychotropic Substances (1971), 34/ and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988). 2/

194. The Commission also served as the preparatory body for the 1987 United Nations conference which adopted the Declaration of the International Conference on Drug Abuse and Illicit Trafficking and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control. The Declaration requested the Commission on Narcotic Drugs to examine measures to strengthen international cooperation in combating the world-wide drug problem, including the development of instruments for mutual legal assistance in the suppression of illicit trafficking. The Comprehensive Multidisciplinary Outline, which is a repertory of recommendations addressed to Governments, identified topics on which formal agreements should be considered, including, inter alia: assessment of drug abuse patterns; control of the commercial movements of precursors; extradition treaties concerning drug trafficking and related offences; mutual judicial or legal assistance; and prevention of the laundering of gains from illicit drug activities. The General Assembly endorsed the documents adopted by the Conference and requested the Commission on Narcotic Drugs to identify suitable measures for follow-up to the Conference (resolution 42/112 of 7 December 1987).

195. In 1990, the General Assembly convened its seventeenth special session, devoted to the question of international cooperation against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances. The General Assembly adopted a resolution with an annex containing a Political Declaration and a Global Programme of Action. Within the framework of the Global Programme of Action, the Commission on Narcotic Drugs will consider "the necessity and feasibility of elaborating, under the auspices of the United Nations, an international instrument that would deal especially with the reduction of the illicit demand for drugs and that would provide, inter alia, comprehensive and specific measures for the control and elimination of illicit demand for narcotic drugs and psychotropic substances, as well as for treatment and rehabilitation of drug addicts". (Resolution S-17/2 of 23 February 1990, annex, sect. I, para. 17.)

G. The law relating to environment

196. The United Nations activities in the field of progressive development and codification of international law relating to environment, as briefly summarized in the present section, are primarily those undertaken by UNEP; the United Nations Conference on Environment and Development (UNCED) and by the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change.

The work of United Nations Environment Programme

197. Since its establishment in 1972 by General Assembly resolution 2997 (XXVII) of 15 December 1972, entitled "Institutional and financial arrangements for international environmental cooperation", UNEP has carried out substantial work in the area of developing multilateral treaties relating to the protection of the environment as part of its general mandate. The multilateral treaties concluded under the auspices of UNEP have been both in the global setting and in the regional context as briefly illustrated below. Apart from its work on such legally binding instruments, UNEP has also elaborated a number of non-legally binding instruments in the form of guidelines and recommended them to governments to take into account when either negotiating bilateral agreements in the field of environment, or in enacting domestic legislation in that area, or for the implementation of relevant legal instrument.

198. In the regional setting, UNEP is credited with having concluded a number of instruments for the protection of regional seas. They are: Barcelona Convention for the Protection of the Mediterranean Sea against Pollution (1976) and the Protocols thereto; 35/ Kuwait Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution (1978) and the Protocols thereto; 36/ Abidjan Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (1981) and the Protocol thereto; 37/ Lima Convention for the Protection of the Marine Environment and Coastal Areas of the South East Pacific (1981) and the Protocols thereto; 38/ Jeddah Regional Convention for the Conservation of the Red Sea and the Gulf of Aden Environment (1982) and the Protocol thereto; 39/ Cartagena Convention for the Protection and Development of the Marine Environment of Wider Caribbean Region (1983) and the Protocols thereto; 40/ Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (1985) and the Protocols thereto; 41/ and Noumea Convention for the Protection of Natural Resources and Environment of the South Pacific Region (1986) and the Protocol thereto. 42/

199. In the global setting, UNEP concluded the following multilateral instruments: the Convention on the Prevention of Marine Pollution from Land-Based Sources covering the Arctic and Atlantic Oceans (North Sea) (1974), as subsequently amended; 43/ the Vienna Convention for the Protection of the Ozone Layer (1985); 44/ which was subsequently followed by the Montreal Protocol (1987) 45/ on the reduction of chlorofluorocarbons (CFCs), as

subsequently amended, and an international environmental fund; and the Basel Convention on the Transboundary Movement of Hazardous Wastes. 46/ UNEP has in its present work programme a number of issues with respect to which it intends to make further contributions by elaborating appropriate international instruments, for example, its work on draft conventions on early notification and mutual assistance in the event of industrial accidents.

200. Thus, under the current work of UNEP as a contributor to the UNCED, to be held at Rio in 1992, UNEP is preparing a draft convention on biological diversity which it hopes to be ready for consideration and adoption by UNCED.

201. As indicated above, UNEP has also elaborated on a number of non-legally binding instruments for the purposes of facilitating the efforts towards progressive development of international law and its codification in this area. These are:

(a) Principles of Conduct in the Field of the Environment for the Guidance of States in the Conservation and Harmonious Utilization of Natural Resources Shared by Two or More States (1978); 47/

(b) Guidelines for Cooperation between States in Weather Modifications (1980); 48/

(c) Conclusions of the Study of Legal Aspects Concerning the Environment Related to Offshore Mining and Drilling within the Limits of National Jurisdiction (1982); 49/

(d) Guidelines on Banned and Severely Restricted Chemicals (1984); 50/

(e) Guidelines relating to Treaties against Marine Pollution from Land-based Sources (1985); 51/

(f) Guidelines and Principles for Environmentally Sound Management of Hazardous Wastes (1987); 52/

(g) Goals and Principles of Environmental Impact Assessment (1987); 53/

(h) Guidelines for the Exchange of Information on Chemicals in International Trade (1987). 54/

The work of United Nations Conference on Environment and Development

202. According to the mandate contained in resolution 44/228, convening UNCED, a Preparatory Committee was established to make preparations for the conference. The Preparatory Committee has established three working groups, one of which (Working Group III) has the mandate of dealing with legal, institutional and related matters. It is basically the efforts of UNCED, through Working Group III, that relate to its contribution to the progressive development of international law and its codification in the area of environment and development. Under its terms of reference, Working Group III

is expected to prepare an annotated list of existing international agreements and international legal instruments in the environmental field, describing their purpose and scope, evaluating their effectiveness, and examining possible areas for the further development of international environmental law, in the light of the need to integrate environment and development, especially taking into account the special needs and concerns of the developing countries. Such areas include: priorities for future law-making at the global, regional and national level; measures to promote and support the effective participation of developing countries in existing and future international agreements or instruments; international compliance control, regular scientific assessment and timely adjustment of agreements or instruments; coordination and streamlining of (global and regional) institutions and procedures for the administration of international agreements and instruments; resolution and prevention of conflicts, including potential conflicts between environmental and economic/trade agreements or instruments.

203. Apart from its work with respect to legally binding instruments, Working Group III is also expected to help in the drafting of the Earth Charter, which is one of the important instruments UNCED expects to adopt at the Rio meeting in 1992. The Earth Charter is intended to contain general rights and obligations of States and regional economic integration organizations, as appropriate, in the field of environment and development, taking due account of the conclusions of all the regional preparatory conferences.

204. It should also be pointed out that the UNCED process, as a whole, provides opportunities for exchange of views on other legal instruments bearing upon the question of environment and development, for example, the question of protection and sustainable use of land, protection of forests against deforestation and desertification, and conservation of biological diversity, which are being developed by other bodies. In that connection, mention should be made of the efforts to produce a multilateral treaty for the protection of tropical forests of which the Food and Agricultural Organization of the United Nations (FAO) is the primary forum for negotiations and the convention on biological diversity which UNEP, as mentioned earlier, is currently negotiating. UNCED is also considering the area of protection of the ocean, seas, and coastal areas and to ensure environmental sound management of wastes including hazardous and toxic wastes and prevent illegal international traffic in such substances.

205. Also, taking into account the focus by UNCED on the protection of the atmosphere by tackling the problems of climate change, global warming, depreciation of the ozone layer, and transboundary air pollution, the General Assembly established, by its resolution 45/212 of 17 January 1991, the Intergovernmental Negotiating Committee for a framework convention on climate change, which is currently conducting negotiations towards the conclusion of such an instrument, to be ready, it is hoped, for consideration and adoption by the UNCED conference in Rio.

H. The law of the sea

206. Recent work on the progressive development and codification of law of the sea began with the preparation and adoption by the International Law Commission (see also section III.J, below) of draft articles which were subsequently submitted to a diplomatic conference, resulting in the four 1958 Geneva Conventions on the Law of the Sea. 55/ The next substantial work was done by the Third United Nations Conference on the Law of the Sea, 56/ which elaborated and concluded the 1982 United Nations Convention on the Law of the Sea, 57/ on the basis of the draft prepared by the United Nations Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

207. Established upon the adoption of the 1982 United Nations Convention on Law of the Sea is the United Nations Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea. For the purpose of this part, it is the work of this Commission that is briefly summarized in the present section.

208. The Preparatory Commission was established, inter alia:

(a) To prepare draft rules of procedure for the Assembly and the Council of the Authority;

(b) To prepare rules, regulations and procedures for the exploration and exploitation of the international sea-bed (the so-called sea-bed mining code);

(c) To make recommendations for the effective operations of the Enterprise (the operational arm of the Authority);

(d) To undertake studies on the problems that could be encountered by developing land-based producer States likely to be most seriously affected by the sea-bed mining code.

209. The Commission, which shall remain in existence until the conclusion of the first session of the Assembly of the International Sea-Bed Authority, discharges its functions on the recommendation of its four Special Commissions.

210. On the recommendation of Special Commission 2, mandated to prepare for the Enterprise's entry into effective operation, the Preparatory Commission adopted in 1990 an Understanding concerning a Preparatory Commission Training Programme, to be provided by the registered pioneer investors.

211. Through Special Commission 3, entrusted with the task of preparing the sea-bed mining code, the Commission is presently elaborating draft Regulations on Prospecting, Exploration and Exploitation of Polymetallic Nodules in the Area. The Special Commission completed its first reading of parts I-VIII of the draft Regulations.

212. Special Commission 1 has been mandated to study the problems that might be encountered by developing land-based producer States as a result of sea-bed mining and to recommend economic adjustment measures that would assist those States. The Special Commission is currently discussing a draft containing a list of provisional conclusions that could form the basis of its recommendations to the International Sea-Bed Authority on how best to minimize the difficulties of developing land-based producers, including the provision of economic measures or the establishment of a compensation fund.

213. Special Commission 4 is preparing recommendations regarding practical arrangements for the establishment of the International Tribunal for the Law of the Sea.

214. The Commission is serviced by the United Nations Office for Ocean Affairs and the Law of the Sea (OALOS). Included in the activities of OALOS are the assistance it provides to Member States, in particular to developing countries, to facilitate the implementation of the Convention, and the information it provides on current developments covering a wide range of ocean-related activities of Member States and of intergovernmental activity that reflects on developments relating to the Convention. To that end, OALOS publishes a series of bulletins, an annual review of ocean affairs and a bibliography. It also conducts a series of studies covering State practice relating to the Convention.

215. In the same area of promoting wider understanding of the Law of the Sea Convention, OALOS also administers a special fellowship (the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea), whose primary objective is to enable fellows to carry out post-graduate study or research and training in the law of the sea, its implementation and related marine affairs.

I. The work of the International Law Commission

1. Mandate and current activities of the Commission

216. The International Law Commission was established by the General Assembly for the discharge of the Assembly's responsibilities under Article 13, paragraph 1 a., of the Charter of the United Nations, which reads as follows:

> "1. The General Assembly shall initiate studies and make recommendations for the purpose of:
>
> "a. ... encouraging the progressive development of international law and its codification".

217. Under article 1, paragraph 1, of its Statute (General Assembly resolution 174 (III) of 21 November 1947), the Commission has for its object the promotion of the progressive development of international law and its codification. Article 15 of the Statute makes a distinction "for convenience"

between progressive developments as meaning "the preparation of draft conventions on subjects which have not yet been regulated by international law or in regard to which the law has not yet been sufficiently developed in the practice of States" and codification as meaning "the more precise formulation and systematization of rules of international law in fields where there already has been extensive State practice, precedent and doctrine".

218. The Commission maintains relationships with Governments, either directly in accordance with basic provisions of its Statute (such as articles 16, 19, 21 and 22), or through the Sixth Committee of the General Assembly, to which it reports on a yearly basis. Governments have an important role to play at every stage of the work of codification and progressive development: individually, they furnish information at the outset of the Commission's work and comment upon its drafts, and, collectively, they decide, sometimes, upon the initiation or priorities of the work, and always on its final outcome.

219. In accordance with article 26, paragraph 4, of its Statute, which specifically recognizes the advisability of consultation by the Commission with intergovernmental organizations whose task is the codification of international law, the Commission has established and maintains cooperative relationships with the Inter-American Juridical Committee, the Asian-African Legal Consultative Committee, the European Committee on Legal Cooperation and the Arab Commission on International Law.

220. Article 1, paragraph 2, of the Statute states that the Commission "shall concern itself primarily with public international law, but is not precluded from entering the field of private international law". Until now, however, the Commission has worked almost exclusively in the field of public international law.

221. The drafts prepared by the Commission in the course of the last 40 years have served as a basis for the four Geneva Conventions on the Law of the Sea (1958), the Convention on the Reduction of Statelessness (1961), the Vienna Convention on Diplomatic Relations (1961), the Vienna Convention on Consular Relations (1963), the Convention on Special Missions (1969), the Vienna Convention on the Law of Treaties (1969), the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973), the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character (1975), the Vienna Convention on Succession of States in Respect of Treaties (1978), the Vienna Convention on Succession of States in respect of State Property, Archives and Debts (1983) and the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations (1986). 58/ Except for the Convention on Special Missions and the Convention on Internationally Protected Persons (see section III.J, below), the above-mentioned Conventions were adopted by a diplomatic Conference convened by the General Assembly on the recommendation of the Sixth Committee.

222. In addition, the International Law Commission has prepared: the Draft Declaration on Rights and Duties of States (submitted to the General Assembly in 1949), the Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal (submitted to the General Assembly in 1950), a draft Code of Offences against the Peace and Security of Mankind (submitted to the Assembly in 1954), 59/ a draft Convention on the Elimination of Future Statelessness (submitted to the Assembly in 1954), Model Rules on Arbitral Procedure (submitted to the Assembly in 1958) and Draft Articles on Most-Favoured-Nation Clauses (submitted to the Assembly in 1978). It has also devoted attention to, and made recommendations to the General Assembly on, the following questions: Ways and Means for Making the Evidence of Customary Law More Readily Available, the question of international criminal jurisdiction, the question of reservations to multilateral conventions and the question of defining aggression.

223. Recent achievements of the International Law Commission include the final adoption of draft articles, as well as draft optional protocols, on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier (1989) and the final adoption of draft articles on jurisdictional immunities of States and their property (1991). In both cases, the Commission has recommended to the General Assembly that it convene an international conference of plenipotentiaries to study the drafts and to conclude conventional instruments on the topics concerned. The Commission's recommendations are presently before the Assembly (see items 132 and 130 of the provisional agenda for the forty-sixth session of the Assembly).

224. At its last session, the Commission has, in addition to finally adopting the draft articles on jurisdictional immunities of States and their property, achieved major progress on two other topics by completing its first reading of, and adopting, draft articles on the law of the non-navigational uses of international watercourses and the draft of a Code of Crimes against the Peace and Security of Mankind. In connection with the latter draft, the Commission has indicated in its report that, further to the invitation contained in paragraph 3 of General Assembly resolution 45/41, it would, as it continues its work on the elaboration of the draft Code, consider further and analyse the issues raised in its 1990 report on the question of international criminal jurisdiction, including the possibility of establishing an international criminal court or other international criminal trial mechanism.

225. The other topics on the Commission's current agenda on which attention will probably focus at the next session include State responsibility, International liability for injurious consequences arising out of acts not prohibited by international law and Relations between States and international organizations (second part of the topic).

2. The Commission's long-term programme of work

226. The Commission's long-term programme of work was initially established in 1949. It consisted of a provisional list of 14 topics selected for codification, as follows:

(a) Recognition of States and Governments;

(b) Succession of States and Governments (subsequently divided into three topics, namely succession in respect of treaties, succession in matters other than treaties and succession in respect of membership of international organizations);

(c) Jurisdictional immunities of States and their property;

(d) Jurisdiction with regard to crimes committed outside national territory;

(e) Regime of the high seas;

(f) Regime of territorial waters;

(g) Nationality, including statelessness;

(h) Treatment of aliens;

(i) Right of asylum;

(j) Law of treaties;

(k) Diplomatic intercourse and immunities;

(l) Consular intercourse and immunities;

(m) State responsibility;

(n) Arbitral procedure.

As indicated above, the Commission has submitted final drafts or reports with respect to the topics referred to under (b), (c), (e) to (g), (j) to (l) and (n), above.

227. As appears from paragraphs 221 to 224 above, the activities of the Commission have not been confined to the topics included in the 1949 list. They have extended to a number of other subjects identified by the General Assembly, in some cases following an earlier initiative of the Commission itself. Indeed, of the five substantive items on the Commission's current agenda, four - namely, International liability for injurious consequences arising out of acts not prohibited by international law, Relations between States and international organizations (second part of the topic), the Law of

the non-navigational uses of international watercourses and the draft Code of Crimes against the Peace and Security of Mankind were referred to the Commission by the General Assembly. The fifth item, "State responsibility", was part of the 1949 list.

228. In 1989, the Commission established a working group to consider the Commission's long-term programme of work. The Working Group submitted its final report to the Commission at its last session. On the basis of the report, the Commission drew up the following list of topics from which it intends to select topics for inclusion in its long-term programme of work:

(a) The law of confined international groundwaters;

(b) Extraterritorial application of national legislation;

(c) The law concerning international migrations;

(d) Extradition and judicial assistance;

(e) The legal effects of resolutions of the United Nations;

(f) International legal regulations of foreign indebtedness;

(g) The legal condition of capital investment and agreements pertaining thereto;

(h) Institutional arrangements concerning trade in commodities;

(i) Legal aspects of the protection of the environment of areas not subject to national jurisdiction (global commons);

(j) Rights of national minorities;

(k) International commissions of inquiry (fact-finding);

(l) The legal aspects of disarmament. 60/

J. The work of the Sixth Committee

229. As the Legal Committee of the General Assembly, the Sixth Committee plays an important role in the progressive development of international law and its codification. First, it is the organ of the General Assembly in which the work of three bodies active in this field is further examined, namely: the International Law Commission (see section III.I, above), UNCITRAL (see section III.E, above) and the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. The Sixth Committee considers the draft legal instruments elaborated by these bodies and recommends to the General Assembly further appropriate action in that respect. Secondly, the Committee establishes, as appropriate, ad hoc bodies

or working groups of its own and entrusts them with the task of preparing a specific legal instrument.

230. With respect to the work of the International Law Commission and UNCITRAL, the Committee, as already mentioned, has in a number of cases recommended to the General Assembly the convening of a conference of plenipotentiaries to conclude a convention on the draft articles adopted by the Commission or by UNCITRAL. In certain cases, the Sixth Committee, after considering the drafts, has itself finalized and adopted conventions without convening a diplomatic conference. They are the Convention on Special Missions (General Assembly resolution 2530 (XXIV) of 9 December 1969), and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (General Assembly resolution 3166 (XXVIII) of 14 December 1973), both based on drafts of the Commission, and the Convention on International Bills of Exchange and Promissory Notes (General Assembly resolution 43/165 of 8 December 1988) based on a draft by UNCITRAL.

231. Other conventions drawn up by the Sixth Committee itself or through ad hoc or special committees, and adopted by the General Assembly are: the Convention on the Prevention and Punishment of the Crime of Genocide (resolution 260 (III) of 9 December 1948); the International Convention against the Taking of Hostages (resolution 34/146 of 17 December 1979); and the International Convention against the Recruitment, Use, Financing and Training of Mercenaries (resolution 44/34 of 4 December 1989).

232. Such subsidiary bodies of the Committee have also elaborated the following non-binding legal instruments which were subsequently adopted by the General Assembly on the recommendation of the Sixth Committee: the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (resolution 2625 (XXV) of 24 October 1970); the Definition of Aggression (resolution 3314 (XXIX) of 14 December 1974) and the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations (resolution 42/22 of 18 November 1987).

233. The Sixth Committee, through its working groups, also elaborated the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally (resolution 41/85 of 3 December 1986) and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (resolution 43/173 of 9 December 1988).

Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

234. The General Assembly decided in 1975 to reconvene the Ad Hoc Committee on the Charter of the United Nations (established in 1974) under the new name of Special Committee on the Charter of the United Nations and on the

Strengthening of the Role of the Organization. The mandate of the Special Committee covered three main areas: the maintenance of international peace and security, the peaceful settlement of disputes and the rationalization of existing procedures of the United Nations.

235. Towards the fulfilment of its mandate in those areas, the Special Committee has prepared the following instruments which were subsequently adopted by the General Assembly on the recommendation of the Sixth Committee: the Manila Declaration on the Peaceful Settlement of International Disputes (resolution 37/10 of 15 November 1982, annex), the Declaration on Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field (resolution 43/51 of 5 December 1988, annex). The Special Committee recently adopted a Draft Declaration on Fact-Finding by the United Nations in the Field of the Maintenance of International Peace and Security, 61/ which will be before the Sixth Committee at the forty-sixth session of the General Assembly.

Notes

1/ E/CONF.82/15 and Corr.2.

2/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

3/ The question of assistance to developing countries to attend meetings of the Commission is dealt with in a separate report of the Secretary-General (A/46/349).

4/ It is to be noted that IMO deals with the question of liability in the specific context of the carriage of dangerous goods by sea. This is similar to the treatment of the same subject by the International Atomic Energy Agency in the area of nuclear damage. Such a treatment of the subject is supplemented on the one hand by the general study of the law of liability undertaken by the International Law Commission (see Part II, section IX) and on the other by the efforts of the United Nations Environment Programme also aimed at producing general principles of liability in the context of environmental damage. (See section III.G.)

5/ It is to be noted that while this question is dealt with by the Council of Europe on a regional basis, the Sixth Committee and the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization deal with the issue in a general framework, and as suggested by certain States in section II.B, above.

6/ See also the work of the International Law Commission on this question (section III.I).

7/ See also the activities of COPUOS as summarized in section III.C.

Notes (continued)

8/ The interest of IUCN in the environment should be read in conjunction with the activities of the United Nations Environment Programme and the United Nations Conference on Environment and Development (see section III.G, being an area in which States have also suggested further work as indicated in the replies set out in section II.C.2).

9/ The work of ICC in the area of international commercial arbitration and adoption of conciliation rules should be read in conjunction with those of United Nations Commission on International Trade Law on the same issues (see section III.E).

10/ This has been in particular the case of conventions dealing with refugees and stateless persons, namely the Convention relating to the Status of Refugees of 28 July 1951 (draft prepared by an ad hoc Committee of the Economic and Social Council, text in United Nations Treaty Series, vol. 189, No. 2545), the Convention relating to the Status of Stateless Persons of 28 September 1954 (draft prepared by an ad hoc Committee of the Economic and Social Council, text in ibid., vol. 360, No. 5158), the Convention on the Reduction of Statelessness of 30 August 1961 (draft prepared by the International Law Commission, text in ibid., vol. 989, No. 14458).

11/ United Nations Treaty Series, vol. 429, No. 6193.

12/ Report of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-September 1990 (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.3.

13/ For the report of the Commission on its forty-seventh session, see Official Records of the Economic and Social Council, Supplement No. 2 (E/1991/22; E/CN.4/1991/91). For the report of the Subcommission on its forty-second session, see E/CN.4/1991/2.

14/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

15/ Report of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-September 1990 (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.3.

16/ Ibid., chap. I, sect. B.3. The Committee has also elaborated drafts of the following model treaties: Model Agreement on the Transfer of Foreign Prisoners (adopted by the Seventh Congress, text in United Nations publication, Sales No. E.86.IV.1); the Model Treaty on Extradition (adopted by General Assembly resolution 45/116 of 14 December 1990); the Model Treaty on Mutual Assistance in Criminal Matters (adopted by General Assembly resolution 45/117 of 14 December 1990); the Model Treaty on the Transfer of Proceedings

Notes (continued)

in Criminal Matters (adopted by General Assembly resolution 45/118 of 14 December 1990); and the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released (adopted by the General Assembly in its resolution 45/119 of 14 December 1990).

17/ Final Document of the Tenth Special Session of the General Assembly, A/S-10/2, para. 120. The name of the single multilateral disarmament negotiating forum of the international community, hereinafter referred to as the Conference on Disarmament, has changed on several occasions with the enlargement of its membership as follows: Ten-Nation Committee on Disarmament (1959-1960), Eighteen-Nation Committee on Disarmament (1962-1968), Conference of the Committee on Disarmament (1969-1978), Committee on Disarmament (1979-1983), the Conference on Disarmament (1984-1991).

18/ This document was submitted to the Sixth Committee for discussion. Since then an agenda item under the same title has remained in the Sixth Committee items in subsequent sessions of the General Assembly biannually. See General Assembly resolution 44/30 of 4 December 1989 and documents related to agenda item 128 of the present session.

19/ The following products have been subject to commodity agreements: olive oil, wheat, tin, coffee, cocoa, sugar, dairy products, natural rubber, timber, jute.

20/ Bananas, bauxite, cocoa, coffee, copper, cotton and cotton yarn, hard fibers and products, iron ore, jute and products, manganese, meat, phosphates, rubber, sugar, tea, tropical timber, tin, vegetable oils.

21/ Official Records of the United Nations Conference on Prescription (Limitation) in the International Sale of Goods, New York, 20 May-14 June 1974 (United Nations publication, Sales No. E.74.V.8), p. 101.

22/ Official Records of the United Nations Conference on Contracts for the International Sale of Goods, Vienna, 10 March-11 April 1980 (United Nations publication, Sales No. E.82.V.5), p. 178.

23/ Official Records of the United Nations Conference on the Carriage of Goods by Sea, Hamburg, 6-31 March 1978 (United Nations publication, Sales No. E.80.VIII.1), document A/CONF.89/13, annex I.

24/ A/CONF.152/13.

25/ Official Records of the General Assembly, Fortieth session, Supplement No. 17 (A/40/17), annex I.

26/ United Nations publication, Sales No. E.87.V.10.

27/ United Nations publication, Sales No. E.87.V.9.

Notes (continued)

28/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 17 (A/37/17), para. 63.

29/ Ibid., Thirty-eighth Session, Supplement No. 17 (A/38/17), annex I.

30/ See ibid., Forty-sixth Session, Supplement No. 17 (A/46/17).

31/ United Nations Treaty Series, vol. 520, No. 7515.

32/ Ibid., vol. 976, No. 14151.

33/ Ibid., No. 14152.

34/ Ibid., vol. 1019, No. 14956.

35/ UNEP, Selected Multilateral Treaties in the Field of the Environment, p. 448.

36/ Ibid., p. 486.

37/ International Legal Materials, vol. 20, p. 746.

38/ UNEP, The Lima Convention for the Protection of the Marine Environment and Coastal Areas of the South East Pacific (1981), United Nations, 1984.

39/ UNEP, The Jeddah Regional Convention for the Conservation of the Red Sea and the Gulf of Aden Environment (1982), United Nations, 1983.

40/ International Legal Materials, vol. 22, p. 229.

41/ UNEP, Call No. 092M331.

42/ International Legal Materials, vol. 26, p. 38.

43/ Ibid., vol. 13, p. 352.

44/ To be issued in United Nations Treaty Series, under No. 26164.

45/ Ibid., No. 26369.

46/ UNEP.W.G.190/4.

47/ UNEP, Environmental Law Guidelines and Principles, No. 2.

48/ Ibid., No. 3.

49/ Ibid., No. 4.

Notes (continued)

50/ Ibid., No. 6.

51/ Ibid., No. 7.

52/ Ibid., No. 8.

53/ Ibid., No. 9.

54/ Ibid., No. 10.

55/ Convention on the Territorial Sea and the Contiguous Zone (United Nations Treaty Series, vol. 516, No. 7477); Convention on the High Seas (ibid., vol. 450, No. 6565); Convention on Fishing and Conservation of the Living Resources of the High Seas (ibid., vol. 559, No. 8164); and Convention on the Continental Shelf (ibid., vol. 499, No. 7302).

56/ It is to be noted that the Second United Nations Conference on the Law of the Sea, which met in 1960, was unable to produce concrete results.

57/ The 1982 Convention was adopted at Montego Bay, Jamaica, on 10 December 1982, when it was also opened for signature. See generally The Law of the Sea, United Nations Convention on the Law of the Sea with index and Final Act of the Third United Nations Conference on the Law of the Sea (United Nations publication, Sales No. E.83.V.5).

58/ For the text of the instruments mentioned in this section, see The Work of the International Law Commission (United Nations publication, Sales No. E.88.V.1).

59/ In 1981 the Assembly requested the Commission to resume its work on the topic (the English title of which was subsequently amended to read "Draft Code of Crimes against the Peace and Security of Mankind").

60/ The Working Group described the criteria which have guided its work in the Report of the International Law Commission on the work of its forty-third session (Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10), annex, paras. 3-7).

61/ See Official Records of the General Assembly, Forty-sixth Session, Supplement No. 33 (A/46/33), para. 19.